

## **Caseload Allocation Rule**

LR45-AR1-1.

Pursuant to TR 81(A), the Lake Circuit/Superior Court adopts this Rule governing the assignment of cases as required by and in compliance with Administrative Rule 1(E). This Rule shall be effective January 1, 2009.

### **I. Criminal Case Assignments**

Criminal cases shall be assigned pursuant to LR45-C.R.2.2-1, except as provided in Section IV of this Rule.

### **II. Allocation of Judicial Officers**

To comply with the requirement that the utilization variance between all courts of record in Lake County not exceed forty (40) percentage points, the Court has adopted the allocation of judicial officers set forth in Table 1.

Table 1	
COURT	JUDICIAL OFFICERS ASSIGNED
Criminal Division 1 G01	1.3
Criminal Division 2 G02	1.3
Criminal Division 3 G03	1.3
Criminal Division 4 G04	1.3
Circuit Court C01	3.7
Civil Division 1 D01	1.2

Civil Division 2 D02	1.2
Civil Division 3 D03	3
Civil Division 4 D04	1.2
Civil Division 5 D05	1
Civil Division 6 D10	1
Civil Division 7 D11	1
Juvenile Court D06	6.5
County Division 1 D07	2
County Division 2 D08	2.8
County Division 3 D09	2.6
County Division 4 D12	1.4

### **III. Random Filing**

The following case types shall be filed as follows:

1. Random filing of PL, CT, MF, and MI cases in the Circuit Court and the Civil Division, Rooms 1, 2, 4, 5, 6 and 7. Random filing of MI and MF cases will begin on January 1, 2009; random filing of CT and PL cases will begin upon implementation of electronic filing of those case types in all Circuit/Civil Division Courts in Lake County. Implementation of electronic filing is expected to begin in the Circuit and Civil Division Courts in Crown Point during the Fall 2008 and the Civil Division Courts located in Gary, Hammond and East Chicago early in 2009.
2. Random filing of CC and PO cases in the Circuit/Civil Division Courts by courthouse location with the exception of East Chicago where there is only one Civil Division

Court and where all such cases will be filed. With respect to PO cases filed in Crown Point and Gary, the Circuit Court and Civil 3 will hear all such cases where there is a pending or concluded DR case in those courts. All other PO cases shall be randomly filed between the Circuit Court and Civil Division 6 and 7 in Crown Point and Civil 3 and 4 in Gary.

3. No change is to be made in the assignment of DR cases. These are currently filed in the Circuit Court in Crown Point and Civil Division, Room 3 in Gary.

4. All SC cases in Hammond shall be divided equally between County Division 4 and Civil Division 5.

#### **IV. Divisional Equalization**

To equalize the distribution of cases within each division of the Court, in addition to random filing of certain civil cases, the following are adopted:

Random file MC cases in the Criminal Division.

Transfer 10 non-CHINS AD cases from the Juvenile Court to the Circuit Court and each Civil Division Court.

Increase by 350 the number of CM cases filed in County Division 1 in Crown Point.

## **LAKE COUNTY RULES OF CIVIL PROCEDURE**

### **LR 45-TR1-1. Scope and Title**

A. Scope. These rules shall apply in the Lake Circuit Court and the Superior Court of Lake County, Civil Division and Juvenile Division.

B. Title. These rules may be known as the Lake County Rules of Civil Procedure, and abbreviated as LR

### **LR 45-TR10-2. Preparation of Pleadings, Motions and Other Papers**

For the purpose of uniformity, convenience, clarity and durability, the following requirements shall be observed in the preparation of all pleadings, motions and other papers:

A. Paper--Print, Quality and Binding. All pleadings, motions, chronological case summary entry forms, orders, process and other papers shall be neatly and legibly printed, typewritten or mechanically reproduced, on one side only, on white opaque paper. To satisfy the recordkeeping requirements of Indiana Rules of Procedure, Trial Rule 77, the print shall be of sufficient density and clarity for preservation and reproduction of microfilming, optical disk or other secondary sources. For this reason, the use of non-letter-quality printers is discouraged.

Paper and ink shall be of such quality as to withstand the test of time. All documents shall be produced on acid-free, non-thermal paper. It is recommended that a minimum of 20-pound, 25% cotton paper product be used. Documents of multiple pages shall be submitted in bound or stapled fashion, and the binding or stapling shall be at the top only. Covers or backings shall not be used.

B. Sanctions. Whenever materials submitted fail to meet the foregoing standards, the Court may impose appropriate sanctions.

C. Papers--Handwritten; Electronic Facsimile Transmission ("FAX"). Handwritten papers may be filed only if approved by the Court and a typewritten or printed true rendition thereof is filed within three (3) days thereafter and approved by the Court. Upon such approval, they shall be deemed and filed as the original, while the handwritten papers shall be retained therewith for evidentiary purposes.

Only when necessary on an emergency basis (i.e., when certified mail or other means of filing will not bring the document to the Judge's attention prior to the scheduled hearing or ruling), pleadings, motions and other papers may be filed by electronic facsimile transmission, or when specifically authorized by the Court.

D. Minute Sheets; Motion Blanks. Minute sheets and motion blanks shall no longer be used.

E. Special Judge Matters. The caption of all CCS Entry Forms, pleadings, motions, orders and other papers to be filed in a special judge case shall include in block text the words SPECIAL JUDGE and the name of the judge directly below the cause number on the caption.

### LR 45-TR5-3. Filing

A. Filing and Submission Only to the Clerk; Proof of Service; Sanctions. All papers presented for filing shall be submitted to the Clerk and not to the court. All papers submitted for filing shall be mailed or delivered to the Clerk's office at the courthouse in which the case is pending; provided however, for special judge matters where the special judge is a full-time judge or magistrate serving within Lake County, all papers submitted for filing shall be delivered or mailed to the Clerk's office at the courthouse where the special judge regularly serves. All pleadings, motions and other papers submitted for filing which are required to be served under Trial Rule 5(A) shall be filed no later than three (3) days after service and shall contain proof of service pursuant to Trial Rule 5(B)(2). If such papers are filed before service, proof of service thereof shall be filed no later than three (3) business days thereafter. Upon failure to comply with this rule, the Court may, on motion of any party or on its own motion, impose appropriate sanctions.

B. Separate Motions and Orders; Order by Chronological Case Summary Entry Form; Service. Proposed orders shall be prepared and filed separately from the pleadings, petitions, motions or other papers to which they have reference.

Orders, either routine in nature or uncontested including, for example, those setting or continuing a hearing, shall be effected by the chronological case summary entry only, which shall contain the concise substance of the order.

All orders shall be accompanied with sufficient copies and stamped, pre-addressed envelopes, so that copies may be mailed to all parties.

C. Chronological Case Summary (CCS) Entry Forms. All filings shall be accompanied by a Chronological Case Summary (CCS) Entry Form to define or identify the documents filed. The Form used should be substantially similar to Appendix A.

### LR 45-TR7-4. Motions

A. Briefs. All motions filed pursuant to Trial Rules 12 and 56 shall be accompanied by a separate supporting brief. An adverse party shall have thirty (30) days after service of the initial brief in which to serve and file an answer brief, and the moving party shall have ten (10) days after service of the answer brief in which to serve and file a reply brief. With regard to all other motions or matters submitted to the court, and so long as consistent with the Indiana Rules of Procedure, an adverse party wishing to respond shall do so within fifteen (15) days of service. The moving party shall have ten (10) days after service of the response within which to reply. Each motion shall be separate, while alternative motions filed together shall each be identified on the caption. Failure to file an answer brief or reply brief within the time prescribed shall be deemed a waiver of the right thereto and shall subject the motion to summary ruling.

B. Oral Arguments. The granting of a motion for oral argument, unless required by the Indiana Rules of Procedure, shall be wholly discretionary with the court.

LR 45-TR3.1-5. Appearance by Attorney

A. Initiating Party. At the time an action is commenced, an attorney representing the initiating party must:

(1) be a member in good standing of the Bar of the State of Indiana; and

(2) file with the Clerk of the Court an appearance form setting forth the printed name, address, attorney number, the name of the firm, if any, telephone number, FAX number and signature of any attorney representing the initiating party as applicable.

B. Responding Party. At the time the responding party or parties first appear in a case, if that party or parties are represented by an attorney, the attorney must:

(1) be a member in good standing of the Bar of the State of Indiana; and

(2) file with the Clerk of the Court an appearance form setting forth the printed name, address, attorney number, the name of the firm, if any, telephone number, FAX number and signature of any attorney representing the responding party as applicable.

C. Pro Hac Vice. A person not a member of the Bar of the State of Indiana shall not generally be permitted to practice in the Civil Division of the Lake County Court System. The Court in its discretion may permit such counsel to appear only for a specifically limited purpose and time. Counsel's Motion shall strictly comply with Admission and Discipline Rule 3, and disclose such purpose, time, and all other cases in which the attorney or members of the firm have been permitted to appear in the State of Indiana.

D. Non-Resident Attorney. Whenever in its discretion the Court believes it would facilitate the conduct of litigation, the Court may require any attorney who is a member of the Bar of Indiana and who does not maintain an office in Indiana, to retain as local counsel a member of the Bar of Indiana who maintains a local office in Indiana. Notice served upon such local counsel shall constitute service upon all other counsel appearing of record for such party.

E. Withdrawal of Appearance. All withdrawals of appearance shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given a client ten (10) days' written notice of intention to withdraw. A copy of the notice of intention to withdraw shall be attached to the motion seeking leave to withdraw. This rule may be waived by the Court if withdrawal is at the written request of the client; accompanied by the appearance of successor counsel; or for other good cause. In any event, all withdrawals shall fully comply with the Rules of Professional Conduct, Rule 1.16.

F. Withdrawal Shall Not Effect Continuance. Withdrawal, in and of itself, shall not effect a continuance of any pending matter.

LR 45-AR10-6. Consistent with the intent of Administrative Rule 10, neither the Case File, Chronological Case Summary nor contents of the Record of Judgments and Orders may be removed from the custody of the court or Clerk; provided, however, the Case File or Chronological Case Summary, upon proper receipt, may be entrusted to an attorney with whom the Clerk is familiar for delivery to the court.

No books may be removed from the judge's chambers or law libraries maintained in the respective courthouses or by the Lake County Central Law Library.

#### LR 45-TR53.5-7. Continuances--Extensions of Time to Answer

A. Motion. A motion for continuance, unless made during the hearing of a matter, shall be for cause, in writing and verified, with a copy thereof timely served upon opposing counsel unless the court otherwise directs. A motion for continuance may be granted ex parte only if the movant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting his claim that actual notice should not be required.

B. Time for Filing. A motion for continuance must be filed as soon as possible after the cause for continuance is discovered, and not later than ten (10) days before hearing or trial, unless the reason therefor is shown by affidavit to have occurred within that period.

C. By Agreement of Counsel. An agreement by counsel to continue the hearing of any pending matter shall be signed by both counsel and parties (or proof of written notice to the parties in lieu of their signatures), and filed at least ten (10) days before hearing or trial, or such shorter period as the court in its discretion may allow.

D. Automatic Extension for Answer. Provided it is timely filed, the mere entry of appearance by a party or counsel in response to a summons in an action that requires an answer shall effect an extension of thirty (30) days from the filing thereof within which to respond. This provision is inapplicable to actions in replevin and ejectment.

#### LR 45-TR26-8. Discovery

A. Commencement and Extensions. In general, counsel are expected to begin discovery promptly and shall be granted extensions only upon a showing of diligence and good cause.

B. Interrogatories. Interrogatories shall be tailored specifically to the cause in which they are served and numbered consecutively to facilitate response. No party shall serve on any other party more than thirty (30) interrogatories or more than thirty (30) requests for admission (other than requests relating to the authenticity or genuineness of documents in the aggregate), including subparagraphs, without leave of court. Subparagraphs shall relate directly to the subject matter of the interrogatory or request for admission. Any party desiring to serve additional interrogatories or requests for admission shall file a written motion setting forth those proposed and the necessity therefor.

C. Attorney Conference. Strict compliance with Trial Rules 26 through 37 is required. The discovery process is intended to be largely self-actuating, with minimal court supervision. Therefore, the court will not rule on motions related to discovery disputes unless moving counsel represents that, after personal or telephonic conference in good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the court, by way of motion or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the court may, after hearing, impose appropriate sanctions.

#### LR 45-TR16-9. Pre-trial Procedure

A. Initial Status Conference. Upon motion of any party or the court, an initial status conference shall be scheduled and held within six (6) months of the filing of any Complaint in a civil plenary or civil tort case. Each party shall be represented at this conference by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

(1) the exchange of lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties thereafter shall be under a continuing obligation to advise opposing parties of other witnesses as they become known;

(2) the exchange of all documents, and any other evidence reasonably available, contemplated for use in support of the pleadings;

(3) a discovery schedule;

(4) the necessity for additional conferences in complex litigation; and

(5) the necessity for amendments to the pleadings and the filing or hearing of dispositive motions. Absent agreement, the court shall schedule the filing, briefing and hearing thereof.

B. Case Management Order. At the conclusion of the initial status conference, the court shall enter a case management order setting forth:

(1) a time limit for completion of discovery;

(2) a time limit for joinder of additional parties and amendment of pleadings;

(3) a time limit for filing all pre-trial dispositive motions;

(4) the scheduling of a pre-trial conference; and

(5) any other matters which the parties or the court have seen fit to address.

C. Mandatory Pre-Trial Conference. A pre-trial conference shall be held in every civil plenary and civil tort action, at which each party shall be represented by the attorney who will conduct the trial.



The parties shall exchange written lists of witnesses and photocopies of exhibits, together with contentions and statements of issues of fact and law, at least thirty (30) days prior to the pre-trial conference. Counsel for the plaintiff shall prepare a proposed pre-trial order, which shall be executed by counsel for all parties and filed not later than five (5) days prior to the pre-trial conference. The pre-trial stipulation shall set forth in the following sequence:

- (1) the jurisdiction of the court;
- (2) the pleadings raising the issues;
- (3) a list of motions or other matters requiring action by the court;
- (4) a concise statement of stipulated facts, with reservations, if any;
- (5) a concise statement of issues of fact which remain to be litigated;
- (6) a concise statement of issues of law which remain for determination by the court;
- (7) the plaintiff's contentions;
- (8) the defendant's contentions;
- (9) the plaintiff's numbered list of trial exhibits;
- (10) the defendant's numbered list of trial exhibits;
- (11) the plaintiff's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated;
- (12) the defendant's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated; and
- (13) the estimated length of trial.

When, for any reason, the pre-trial stipulation is not executed by all counsel, each shall file not later than five (5) days prior to the pre-trial conference a written statement of the reason therefor accompanied with a proposed pre-trial stipulation.

D. Pre-Trial Order. At the conclusion of the pre-trial conference, the court shall render a pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the court to prevent manifest injustice.

E. Memoranda of Law. Memoranda of law, addressing any unusual questions of law, shall be filed and served no later than seven (7) days prior to trial.

F. Proposed Jury Instructions. Proposed preliminary and final jury instructions shall be filed and served no later than seven (7) days prior to trial. Instructions covering issues arising at trial which could not reasonably be anticipated may be submitted during the trial. Each instruction shall be accompanied by citations of authority.

G. Sanctions. A failure of the parties or their attorneys to be prepared for the initial status conference, for the pre-trial conference, or to otherwise comply with this Rule, shall subject them to sanctions under Trial Rule 16(K).

#### LR 45-TR40-10. Trial Settings

Except for those set by the pre-trial order, all cases shall be set for trial by the court upon motion preceded by good faith effort of the parties to agree to the date thereof.

#### LR 45-TR6-11. Briefs

Briefs, other than those addressed in Rules 4 and 9 hereof, shall be filed no later than two (2) calendar days preceding the hearing or trial to which directed.

#### LR 45-TR43-12. Exhibits

All exhibits offered or admitted into evidence shall be placed in the custody of the Court Reporter unless otherwise ordered. No earlier than three (3) years after the date of trial, they may be obtained by the parties offering them. A detailed receipt shall be left with the Court Reporter. No earlier than forty-two (42) months after the date of trial, the Court Reporter shall, upon order of the court, dispose of those exhibits unclaimed.

#### LR 45-TR63-13. Courts

Whenever the presiding judge in any Room of the Civil Division of the Superior Court is absent or otherwise unavailable, and there is no judge pro tempore or temporary judge sitting in his stead, cases docketed in that Room may be submitted to any other judge of the Civil Division then available.

#### LR 45-TR75-14. En Banc Court

In the event the Civil Division is called upon to sit en banc, the following rules shall apply:

A. The judge of the court in which the action is filed shall serve as the presiding judge for all proceedings.

B. A majority of the Civil Division judges shall constitute a quorum sufficient to conduct en banc proceedings.

C. Oral arguments will not be heard on any matter without court approval.

D. In the event of an emergency, the presiding judge, or if the presiding judge is unavailable, any of the remaining judges, may hear and determine the matter until en banc action may be taken.

## LR 45-TR79-15. Appointment of Special Judge

A. If a motion for change of Judge is granted in a case or an order of disqualification is entered in a case, and a special judge is not appointed and qualified as provided in Trial Rule 79(D), (E) or (F), a special judge shall be appointed from the attached lists of eligible persons on a rotating basis.

B. Each eligible person shall have the option to be removed from or remain on the attached lists or, if omitted, the option to be added to said lists.

C. This rule shall have no application to the selection of a special judge in a Post Conviction Relief petition. The rules of Criminal Procedure and the Local Rules of the Lake Superior Court, Criminal Division, shall apply in said instance.

D. The lists of eligible persons shall be maintained in the office of the Lake Superior Court Administrator (Administrator). When it becomes necessary to select a special judge from said lists, the following procedure shall be followed:

1. The judge who submitted the panel from which the special judge did not accept the appointment shall immediately contact the Administrator for the name of the next available person. The Administrator shall provide a name from the attached lists on a rotating basis beginning with the first name on the list for the particular case category.

2. The selected person appointed to serve under this local rule must accept jurisdiction unless disqualified under circumstances set out in the Rules of Trial Procedure 79(H). The order of appointment by the regular judge shall constitute acceptance. An oath or additional evidence of acceptance is not required.

### Case Designation-PL

Judge Dywan  
Judge Davis  
Judge Svetanoff  
Judge Pera  
Judge Schneider  
Judge Hawkins  
Judge Cantrell  
Magistrate Pagano  
Judge Tavitaz  
Magistrate Hill  
Magistrate Raduenz

### Case Designation-MH

Judge Arredondo  
Judge Dywan  
Judge Davis  
Judge Svetanoff  
Judge Pera  
Judge Cantrell  
Judge Schneider  
Judge Hawkins  
Magistrate Pagano

Case Designation -CT

Judge Arredondo  
Judge Dywan  
Judge Davis  
Judge Svetanoff  
Judge Pera  
Judge Schneider  
Judge Hawkins  
Judge Tavitas  
Magistrate Hill  
Magistrate Raduenz  
Judge Cantrell  
Magistrate Pagano

Case Designation -PO

Judge Davis  
Judge Pera  
Judge Schneider  
Judge Cantrell  
Judge Hawkins  
Judge Tavitas  
Magistrate Hill  
Magistrate Raduenz  
Judge Villalpando  
Magistrate Pagano

Case Designation-SC

Judge Davis  
Judge Hawkins  
Judge Cantrell  
Magistrate Pagano

Case Designation-EU/GU/TR

Judge Schneider  
Judge Hawkins  
Judge Tavitas  
Magistrate Hill  
Magistrate Raduenz  
Judge Pera

Case Designation -JP

Judge Hawkins  
Judge Tavitas

Case Designation-MI

Judge Dywan  
Judge Pera  
Judge Schneider  
Judge Hawkins  
Judge Tavitas  
Magistrate Hill  
Magistrate Raduenz  
Judge Arredondo  
Judge Cantrell  
Magistrate Pagano

Case Designation -AD/AH

Judge Schneider  
Judge Hawkins  
Judge Tavitas  
Magistrate Raduenz  
Judge Pera

Case Designation -JD/JS/JM

Judge Hawkins  
Judge Tavitas  
Magistrate Pagano  
Judge Cantrell

Case Designation -DR

Judge Hawkins  
Judge Tavitas  
Magistrate Hill  
Magistrate Raduenz

Case Designation-MF

Judge Schneider  
Judge Hawkins  
Judge Svetanoff  
Judge Davis  
Judge Pera  
Judge Dywan  
Judge Cantrell  
Magistrate Pagano

Case Designation -JC/JT

Judge Tavitas

Case Designation-CC

Judge Schneider  
Judge Hawkins  
Judge Tavitas  
Magistrate Hill  
Judge Davis  
Judge Pera  
Judge Dywan  
Judge Arredondo  
Judge Villalpando  
Judge Cantrell  
Magistrate Pagano

CCS ENTRY FORM

CCS ENTRY FORM \*  
LAKE SUPERIOR COURT \*  
ROOM NUMBER THREE \*  
\*  
\*  
CAUSE NO: \*  
\*  
CAPTION: \*  
\*  
\*\*\*\*

The activity of the Court should be summarized as follows on the Chronological Case Summary (CCS):

ATTORNEY FOR:  
PETITIONER

ATTORNEY FOR:  
RESPONDENT

\* \* \* \* \*

(TO BE DESIGNATED BY THE COURT)

THIS ENTRY FORM SHALL BE:

{ } PLACED IN CASE FILE

{ } DISCARD AFTER ENTRY ON THE CCS

{ } MAILED TO ALL COUNSEL BY: \_\_\_ COUNSEL \_\_\_ CLERK \_\_\_ COURT

{ } THERE IS NO ATTACHED ORDER; OR THE ATTACHED ORDER SHALL BE PLACED  
IN THE RJO: { } YES { } NO

DATE: \_\_\_\_\_

APPROVED: \_\_\_\_\_

## **Lake County Rules of Family Law**

### ***PREAMBLE***

*The Rules of Professional Conduct mandate that all lawyers conduct themselves honorably and remind lawyers that they have a special responsibility for the quality of justice. For lawyers who practice family law, that special responsibility for the quality of justice often occurs in an emotionally-charged arena with litigants who are angry, disappointed, hurt, hostile, betrayed, sad, fearful, shocked, and/or lost. When a case involves minor children, emotions run even higher.*

*Some statistics indicate that, every thirty-two seconds, a child in America witnesses his or her parents' divorce. Out of wedlock births to adults have increased exponentially. Research establishes that how parents conduct themselves during a domestic relations proceeding has a greater impact on their children than the proceeding itself. These local rules have been enacted to help effectuate a dignified and effective means of resolving all family law disputes, but especially those disputes involving minor children. While recognizing our adversarial system for resolving family law problems, these local rules mandate that attorneys not ignore but embrace their equally important roles as negotiators and advisors and their special responsibility for the quality of justice.*

LR 45-FL00-1 Scope, Citation and Definition, Cooperative Approach and Liberal Construction.

- A. Scope. These rules shall apply to family cases in the Lake Circuit Court and the Superior Court of Lake County, Civil and Juvenile Divisions.
- B. Citation. These rules may be cited as the Lake County Rules of Family Law and abbreviated as F. L. R.
- C. Definition. Family cases shall include all cases involving claims for or related to marital dissolution or separation, paternity, child custody, parenting time or visitation with a child, and support of a child or spouse.

LR 45-FL00-2 Statement of Policy and Purpose.

The Circuit and Superior Courts of Lake County are committed to a cooperative model for the handling of family cases by parents, attorneys, and judges. These rules shall be liberally construed and applied to serve the healthy and child-sensitive functioning of families. In all family cases with children, the goal will be protecting the best interests of those children.

LR 45-FL00-3 General Obligations of Cooperation of Attorneys and Parties.

- A. Attorneys and parties in family cases are expected to act with the courts as co-problem solvers, not mere problem-reporters. Attorneys shall both inform and remind their clients about the

judicial expectations of cooperation in family cases, assist their clients to understand and observe these standards, and encourage clients to participate in co-parenting classes, counseling, mediation, and other appropriate problem-solving processes.

B. In order to establish and maintain an atmosphere which fosters cooperative problem-solving, all parties and attorneys shall:

- (1) explore resources which may reduce conflict, build cooperation and protect children;
- (2) attempt reasonable cooperative measures before resorting to the court;
- (3) avoid disrespectful language and behavior; and,
- (4) avoid unnecessary motions or petitions, hearing and arguments.

#### *Commentary*

*The Circuit and Superior Courts of Lake County recognize that conflict in family cases is destructive and often dangerous. Litigating family cases does not end or resolve the conflict; it heightens the conflict. The cooperative model for handling family cases is implemented in order to minimize such conflict and, instead, foster the healthy and child-sensitive functioning of families.*

*Actions taken in the earliest stages of parents' separation and other family crises, whether those actions are helpful or destructive, often define much of the future of the family case and the family; and, attorneys' language and conduct in these earliest days are often crucial to the future course of both the case and the future functioning of the family. Until the case is filed, the courts have no involvement and are powerless to help families at that point; however, at such early stages, attorneys can either set a tone of beneficial cooperation or of destructive conflict for the families they touch.*

*All too often in family cases the courtroom becomes an arena in which the parties are subjected to criticism, sometimes even ridicule or similar abuse. Such conduct will not be tolerated. Attorneys have an ethical obligation to refrain from abusive conduct and other offensive tactics; to treat all parties, witnesses and all others involved in the legal process with courtesy and respect; and, to refuse to participate in any effort to embarrass, delay or burden someone. The courts consider such conduct to be repugnant. So should the attorneys and all members of the family. Attorneys have an ethical obligation to consult with their client about the means to be employed and clients normally defer to the attorney's special knowledge and skill in such matters. These rules and comments require that when doing so, the attorney should educate the client about the substantial risk that conflict presents for members of the family and of the benefits and opportunities for resolution through the cooperative model. If the prospective client will not abide by such advice, the attorney can and should consider declining the engagement. If a client agrees to abide but later shows the inability to do so or otherwise refuses, the attorney may and should consider withdrawing. Family*



*members who elect to pursue the path of conflict instead of cooperation are not acting in the best interests of the children; and, the courts **will** consider the decisions made by the parties in this regard as part of its evaluation of the children's best interests and in the allocation of attorney fees.*

*This cooperative model will require some fundamental changes in the local legal culture, including the manner in which attorneys approach family cases. While fundamental change does not occur overnight, it must be done and begin now. Attorneys must change their primary focus in family cases. Instead of the gathering of evidence or other "case building", the attorney's primary focus must be on defusing the underlying source(s) of conflict(s) by helping the family to find the ways to reach resolution of their issues by using means which are less destructive than litigation.*

*As part of the cooperative model the courts will expect all parties and attorneys to consistently observe:*

- (1) personal responsibility by acting on one's own opportunities to solve problems and improve circumstances rather than merely reporting on the alleged fault in others;*
- (2) cooperation by sensibly defining and pursuing the best interests of all family members;*
- (3) courtesy by constant observance of respectful language and behavior; and,*
- (4) focused attention on children's needs including an awareness that parent conflict is dangerous to children.*

*As part of their duty to work as co-problem-solvers with the court in all family cases, if safe to do so, attorneys should:*

- (1) speak with all clients, as early as possible and as often as necessary, about the advantages and judicial expectations of safe cooperation in family cases;*
- (2) refer clients to all co-parenting classes, counseling, mediation, and other problem-solving processes that appear to counsel to be promising resources for their clients;*
- (3) work with other counsel to ensure safety in families where domestic violence has been, or reasonably could be, an issue;*
- (4) work with other counsel in all cases to reduce conflict, build cooperation, and protect children;*
- (5) avoid unnecessary motions and hearings; and*

- (6) *use the least divisive processes in pursuing safety, fairness, cooperation, and the protection of the best interests of children, for example:*
- (a) *using certified mail or acknowledgment of service instead of sheriff service of process if viable,*
  - (b) *encouraging restraint and safe cooperation between family members,*
  - (c) *avoiding unnecessary motions and arguments, and*
  - (d) *exhausting all viable cooperative measures before requesting custody evaluations or trial settings.*

*Before a case is filed, an attorney should:*

- (1) *Assessment of Case and Safety Considerations. Counsel meeting with a person contemplating filing a family case should promptly assess whether the case can safely be handled cooperatively and without adversarial motions, hearings and other formal proceedings. Unless safety or exceptional circumstances make cooperation unreasonable, counsel should handle the case in ways that avoid court and maximize the parties' development of cooperative problem-solving.*
- (2) *Cooperation between Counsel Before Initial Filings. Counsel representing persons wishing to initiate a family case should make reasonable efforts to determine if the other spouse, parent, or putative parent is represented or may be seeking representation. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel should:*
  - (a) *consult and cooperate with each other before filing;*
  - (b) *attempt in good faith to find cooperative resolutions to provisional matters, including peaceful separation, so that unnecessary provisional filings and hearings can be avoided; and*
  - (c) *refer parents to resources such as co-parent education, co-parent counseling, marital counseling, and mediation that can help them build cooperation between them.*
- (3) *Cooperation with Unrepresented Parties Before Initial Filings. Unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, this same effort at consultation and cooperation should be made when counsel learns that the other spouse, parent, or putative parent is not intending to use legal representation. In such case, unless doing so might create a danger or substantial prejudice to their client or it is otherwise unreasonable to do so, counsel or the client should (a) communicate directly with that other spouse, parent, or putative parent and (b) attempt to avoid provisional filings and hearings on matters that could be resolved by cooperative measures including discussion, co-parent education, counseling, and mediation.*

C. Website. Parties and counsel should visit the court's website at [www.LakeCountyKids.org](http://www.LakeCountyKids.org) for more information on the procedures in use in Lake County in support of the cooperative handling of family cases.

#### LR 45-FL00-4 Initial and Provisional Hearings.

Unless considerations of safety or other good cause make it unreasonable, before the date and time set for an initial or provisional hearing, counsel shall meet with each other (or any unrepresented party) in a good-faith attempt to resolve all matters.

#### LR 45-FL00-5 Mandatory Website Work for Parents.

A. Dissolution of Marriage. In all dissolution cases where the parties have any children together under the age of 18, both parties shall complete the work on [www.UpToParents.org](http://www.UpToParents.org) within 30 days of initial filing.

B. Legal Separation. In all separation cases where the parties have any children together under the age of 18, both parties shall complete the work on [www.WhileWeHeal.org](http://www.WhileWeHeal.org) within 30 days of initial filing.

C. Paternity. In all paternity cases, both parents shall complete the work on [www.ProudToParent.org](http://www.ProudToParent.org) within 30 days of the court's finding of paternity.

D. Following completion of the website work required by this rule, the parents shall merge or exchange their chosen Commitments from their website work.

#### *Commentary*

*The rule contemplates that, following completion of the website work required by this rule, the parents shall merge their chosen Commitments from their website work into a set of Agreed Commitments, review those Agreed Commitments before all hearings, and take copies of them to all hearings. If a hearing is held more than a year since the parents' completion of the website work, they shall redo the work, again merge their Commitments into a set of Agreed Commitments, and bring those Agreed Commitments to all hearings.*

#### LR 45-FL00-6 Co-Parenting Class.

A. Dissolution of Marriage and Legal Separation. Mandatory Attendance. In all dissolution and separation cases where the parties have any children together under the age of 18, both parties shall complete a co-parenting class. The court may order both parties to attend additional co-parenting classes in post-decree matters. Information regarding the approved classes are available on the court's website at [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

B. Paternity. In all paternity cases the court may order the parties to attend and complete a co-parenting class.

#### LR 45-FL00-7 Proof of Compliance.

A. Dissolution of Marriage and Legal Separation. In order to monitor compliance, within 60 days of the initial filing of an action for dissolution or separation, each party shall file a verified certification of their completion of the mandatory website work as required under FLR. 5, above, and of any mandatory co-parenting class as required under FLR. 6, above, a sample form of which is attached hereto as Appendix “A”.

B. Paternity. In order to monitor compliance, within 45 days of the court’s finding of paternity, each party shall file a verified certification of completion of the mandatory website work as required under FLR 5, above. A sample form is attached hereto as Appendix “B”.

C. Any party failing to timely file such a certification may be subject to a hearing on such a failure.

#### LR 45-FL00-8 Parenting Plan Proposals.

A. The Indiana Parenting Time Guidelines provide useful outlines of the **minimum** time each parent should have with the children to maintain frequent, meaningful, and continuing contact with them. Any parenting time plan submitted by agreement that provides for less than the **minimum** time allowed under the Indiana Parenting Time Guidelines must contain a written explanation for deviating from those guidelines. Agreed parenting plans that exceed the **minimum** time allowed under the Guidelines will not require a written explanation.

B. Unless they have already executed an agreed parenting plan, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix “C”. Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. Parents shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.

#### *Commentary*

A. *Children whose parents live apart have special needs above and beyond those of other children, including the need for frequent, meaningful, and continuing contact with both parents. The courts will expect separated and divorced parents, wherever safely possible, to work together to support children’s best possible relationships with each parent.*

B. *To assist parents and their counsel in developing parenting plans that will meet the needs of these children, parents with children under the age of 18 or dependent children over the age of 18 should use all reasonable efforts, discussion, counseling, mediation, and other resources to promptly agree on a parenting plan to include the decision-making and living arrangements that will serve to nurture and protect their children as the years progress. If a parenting plan is agreed on and signed by the parents, it may be submitted to the court for its consideration as the order which will govern the parents' co-parenting unless changed by agreement or court order.*

C. *Unless the parties have already entered in to a signed agreement resolving all such issues then, within 60 days of the initial filing of all actions for marital dissolution or separation, or any post-decree filing regarding the children, or the court's finding of paternity in all paternity cases, the parties shall each prepare and exchange their written Parenting Plan Proposals utilizing the form which is attached hereto as Appendix "C". Parents, personally and with the help of counsel and all useful counseling, mediation and other problem-solving resources, shall continue to attempt to reach an agreed parenting plan. If parents do not reach an agreed parenting plan, they shall bring their respective Parenting Plan Proposals to all hearings, mediation sessions, and settlement discussions.*

D. *The Indiana Parenting Time Guidelines provide useful outlines of the **minimum** time each parent should have with children to maintain frequent, meaningful, and continuing contact with them. It is the express preference of the Lake Circuit and Superior Courts that parenting plans, wherever safely possible, should:*

- (1) help parents understand the important advantages of supporting each other's relationships with their children;*
- (2) exceed the Guideline minimums for each parent;*
- (3) fit the particular needs of the family; and,*
- (4) encourage parents' use of sensibility, flexibility, and reasonableness to allow for cooperative accommodations of special needs and circumstances in family activities.*

E. *Whenever parents need resources to reduce conflict, build cooperation, preserve family relationships, or respond to the needs of their children, they and their attorneys (if any), should use all resources that could help them. Such resources include:*

- (1) redoing the website work from [www.UpToParents.org](http://www.UpToParents.org), [www.WhileWeHeal.org](http://www.WhileWeHeal.org), or [www.ProudToParent.org](http://www.ProudToParent.org);*
- (2) additional co-parenting classes, including re-attending the basic class or attending high-conflict classes;*

- (3) *completing a new Parenting Plan Proposal;*
- (4) *mediation;*
- (5) *arbitration;*
- (6) *a confidential therapeutic assessment of the parents to develop a set of recommendations for their improved interaction;*
- (7) *individual, joint, family or child counseling;*
- (8) *appointment of a parenting coordinator;*
- (9) *appointment of a guardian ad litem for the children; and,*
- (10) *any other measure that might protect children, reduce conflict, or build cooperation.*

*F. If parents nevertheless continue to have conflict and appear in court without an agreement about the resources they will use, the court may select the resources the parents will be ordered to use.*

LR 45-FL00-9 Protocols After Initial Filing.

A. Duties Regarding Consultation. Except in emergencies or when it might create a danger or substantial prejudice or is otherwise unreasonable to do so, counsel and pro se parties shall make a reasonable attempt to have a personal or telephonic consultation to resolve any issue before filing or seeking any other relief through the court. Counsel and pro se parties contacted for a consultation shall make themselves reasonably available for consultation. The duty of consultation shall be continuing.

B. Substance of Consultation. In the consultation, counsel and pro se parties shall:

- (1) attempt to resolve all matters at issue;
- (2) confirm the parties' compliance with FLR 5, FLR 6, FLR 7 and FLR 8; and,
- (3) discuss the resources they believe the parents could use to resolve current and future issues and to build cooperation, including any resources listed in Commentary E to FLR 8.

C. Cooperation Update - Mandatory. All motions and pleadings other than the initial filings shall include a statement confirming compliance with items (1) through (3), above, including the date of the required personal or telephonic consultation; or, shall recite the specific reasons for the lack of a consultation.

D. Parents shall review and bring a copy of their website Commitments, as required by FLR 5 and the current Parenting Plan Proposals, as required by FLR 8, to every hearing.

#### *Commentary*

*Counsel and pro se parties shall consult in advance of all court settings and exchange suggestions for the future course of the case that would serve the best interests of all family members.*

*During a Status Conference:*

- A. *the attorneys and pro se parties will report on:*
  - (1) *the status of compliance with each of these rules by the parties and their attorneys; and,*
  - (2) *parent progress in reducing conflict, building cooperation, preserving family relationships, and responding to the needs of the children.*
- B. *where beneficial, the families will to be referred for any necessary help; and,*
- C. *the court will consider the future course of the case.*

#### LR 45-FL00-10 Requirements before Custody Evaluations.

All requests for custody evaluations must be (1) in writing (2) certify that both parties and their counsel, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or mediation.

The court will not grant a request for or otherwise order a custody evaluation except following a Status Conference in the presence of both parties and their attorneys, if any, during which the court has been satisfied that:

- A. both parties have completed the mandatory website work pursuant to FLR 6, above; and,
- B. both parents have completed any required co-parenting class pursuant to FLR 7, above; and,
- C. both parties have exchanged Parenting Plan Proposals pursuant to FLR 8, above; and,
- D. both parties and their attorneys, if any, have engaged in at least one good faith attempt to resolve the issues through the use of a settlement conference or consultation pursuant to FLR 9, above; and,
- E. the court has carefully considered and reviewed, with both parties and their attorneys, if any, the use of other resources including those listed in Commentary E to FLR 8.

## Commentary

*Custody evaluations are sometimes divisive and produce less, rather than more, cooperation between parents. As a result, custody evaluations will be reserved for cases where one or both parents lack the capacity to safely resolve the issues they face. No custody evaluation will be ordered or conducted unless reasonable cooperative measures have been attempted, such as co-parenting education, counseling and mediation .*

### LR 45-FL00-11 Case Captioning.

Parties in dissolution, separation, and paternity cases shall not be captioned or designated as “petitioner”, “respondent”, “plaintiff”, or “defendant”. The parties shall be designated as “Mother”, “Father”, “Husband”, or “Wife”, “Former Husband”, “Former Wife”, and “Putative Father”. All captions shall comply with applicable statutes and case law.

### LR 45-FL00-12 Form of Summons.

Parties in dissolution, separation, and paternity cases shall prepare and utilize forms of summons as set forth herein.

A. Dissolution of Marriage and Legal Separation. In dissolution and separation cases, the appropriate summons shall be used and shall be substantially the same as the form(s) which attached hereto as Appendix “D”, “D-1”, “D-2”, or “D-3”.

B. Paternity. In paternity cases, the summons shall be substantially the same as the form which is attached hereto as Appendix “E”.

### LR 45-FL00-13 Preparation of Information Sheet For Family Court Pilot Project.

Contemporaneously with the filing of any action for dissolution, separation, or paternity, the party filing the initial petition shall complete and furnish the Clerk with an Information Sheet which is substantially the same as the form which is attached hereto as Appendix “F”. Because this form requires information which is excluded from the public access under Ind. Administrative Rule 9, this form shall be submitted on light green paper and conspicuously marked “**Not For Public Access**”.

### LR 45-FL00-14 Judges’ Notice.

Whenever the initial filing is prepared by an attorney, the attorney shall also prepare and provide the client and the Clerk with a sufficient number of copies of the appropriate the Judges’ Notice as required herein. In cases filed by pro se parties, the Clerk shall provide the appropriate Judges’ Notice. The Judges’ Notice To Parents Going Through Divorce is attached as Appendix “G” and Judges’ Notice To Parents In Paternity Cases is attached as Appendix “H”.



LR 45-FL00-15 Financial Declaration Form.

A. Requirement. In all relevant cases including dissolutions, separation, paternity, post-decree, or support proceedings and, irrespective of which court, each party shall prepare and exchange, within 60 days of initial filing for dissolution or separation or within 30 days of filing of any paternity or post-decree matters, the appropriate Financial Declaration Form (see Appendix “I” and “J”). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the initiating party to provide the other party with the appropriate blank Form and to notify that party of the duty to prepare and serve the same.

B. Exceptions. The Form need not be exchanged if:

- (1) the parties agree in writing within 60 days of the initial filing to waive exchange;
- (2) the parties have executed a written agreement which settles all financial issues;
- (3) the proceeding is merely at a provisional or emergency relief stage;
- (4) the proceeding is one in which the service is by publication and there is no response; or,
- (5) the proceeding is post-decree and concerns issues without financial implications.

Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely the portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

C. Use at trial. The Forms are intended primarily as mandatory discovery though, subject to appropriate objection, they shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Indiana Child Support Guidelines, direct examination on form data shall address only unusual factors which require explanation or corrections and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

D. Supporting documents. For the purposes of providing a full and complete verification of assets, liabilities, and values, each party shall attach to the form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. Reasonably available means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in the possession of the other party. Appraisals of real estate and pensions, or appraisals of personal property such as jewelry, antiques, or special collections (stamps, coins, or guns, for example) are not required. However, once an appraisal is obtained, it must be exchanged unless the appraisal was

obtained in accordance with the provisions of Trial Rule 26(B) (4) (b) and is not expected to be utilized during trial. Moreover, the court may direct that an appraisal be obtained just as it may designate the appraiser.

E. Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course.

When ordered sealed, the Court Reporter shall place the Forms in a flat manner in an envelope of sufficient size, seal the envelope, and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the court allows.

F. Financial Declaration Form as Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Procedure, Trial Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E) (2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery, such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged and, once exchanged, shall not seek information already obtained.

#### LR 45-FL00-16. Indiana Child Support Guidelines.

A. Worksheet Required. In all proceedings involving child support, each party shall file with any settlement or enter into evidence during any trial Indiana Child Support Guidelines Worksheets - one or more depending upon the facts. Further, the Worksheet(s) shall, when reasonably possible, be delivered to the other parent simultaneously with the Financial Declaration Form, but, in any event, within 10 days of receiving the other parent's Form. The Worksheets shall be promptly supplemented if any changes occur prior to resolution. All Worksheets shall be signed by the party(ies) submitting the Worksheet.

B. Support Settlement Agreements. If an agreement concerning support provides any deviation from the amount calculated under the Indiana Child Support Guidelines, the parents shall present the court with a written explanation justifying the deviation.

#### LR 45-FL00-17. Preparation of Orders.

A. Exchange. It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the court. The attorney so directed is first to submit them to all other attorneys of record or to the unrepresented party to enable them to challenge any provision thereof before submission to the court for entry.

B. Additions. If the preparing attorney believes the other attorney or the other party, if the other party is proceeding pro se, is unreasonably withholding approval as to form, or if either believes the other is attempting to make additions not addressed by the court, either may submit a proposed form

to the court and shall attach thereto a written explanation of the dispute. The other party shall have 7 days to respond before the court enters any order. The court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the court.

C. Signatures. The signature line for counsel or pro se litigant shall indicate Approved As To Form. Such signature indicates that the order correctly reflects the court's ruling. It does not necessarily signify that the signing party or attorney agrees with the ruling.

#### LR 45-FL00-18. Sanctions.

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet or to cooperate in providing information therefore in a timely manner, either is subject to sanctions under Trial Rule 37.

#### LR 45-FL00-19. Attorney Fee Requests.

A. Affidavits. When attorney fees (except those sought provisionally) are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which, if the affidavit comports with these rules, the court shall admit as an exhibit.

B. Content. The affidavit shall indicate the:

- (1) requested fee and the basis thereof;
- (2) amounts counsel has billed, contracted for, or been promised; and,
- (3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and deemed a part thereof. Opposing counsel may cross examine the requesting attorney as to any of the submitted material.

#### LR 45-FL00-20. Agreed Matters - Submission.

No agreed matter shall be submitted unless accompanied with a signed agreement, and other appropriate documents, such as the decree, a wage withholding order, or a qualified domestic relations order. However, if the parties reach a settlement on the courthouse steps, then the court shall accept evidence of that settlement on the record, and enter the appropriate order upon preparation and filing by counsel within 21 days after submission, or such additional time as the court may allow.

LR 45-FL00-21. Orders Excluding Parent from the Residence.

In all instances where emergency or extraordinary relief is requested including, but not limited to, excluding a parent from the residence, the court shall require full compliance with the provisions of Trial Rules 65(B) and 65(E). In situations involving allegations of physical abuse, intimidation or stalking, relief may be sought by a separate filing for an Order of Protection.

## **Index to Appendices**

Certificate of Compliance in Dissolution Cases	Appendix A
Certificate of Compliance in Paternity Cases	Appendix B
Parenting Plan Proposal	Appendix C
Summons and Notice of Hearing in Proceedings of Dissolution of Marriage	Appendix D
Summons in Proceedings for Dissolution of Marriage	Appendix D-1
Summons and Notice of Hearing in Proceedings for Dissolution of Marriage	Appendix D-2
Summons and Notice of Hearing in Proceedings for Dissolution of Marriage	Appendix D-3
Summons and Notice of Initial Hearing in a Paternity Case	Appendix E
Information Sheet for Family Court Project	Appendix F
Judges' Notice to Parents Going Through Divorce	Appendix G
Judges' Notice to Parents In Paternity Cases	Appendix H
Financial Declaration Form: Dissolution of Marriage	Appendix I
Financial Declaration Form: Paternity and Post-Decree	Appendix J

## Appendix A

CAPTION

### **CERTIFICATION OF COMPLIANCE** **IN DISSOLUTION CASES**

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

1. On (type date) I did complete the mandatory website work as required by FLR 5 and have attached hereto my certificate to confirm the same; and,
2. On (type date) I did complete the mandatory co-parenting class as required by FLR 6 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Type name), (select: Mother or Father)

## Appendix B

CAPTION

### **CERTIFICATION OF COMPLIANCE** **IN PATERNITY CASES**

The undersigned, as the (select: Mother or Father) in the within cause, does hereby certify that:

On (type date) I did complete the mandatory website work as required by the FLR 5 and have attached hereto my certificate to confirm the same.

I affirm under the penalties for perjury that the foregoing representations are true.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Type name), (select: Mother or Father)

## Appendix C

In Re The (select: Marriage/Paternity) of: \_\_\_\_\_

Cause No.: \_\_\_\_\_

(Select: Mother's/Father's) Parenting Plan Proposal

### **Parent's Affirmation**

I hereby affirm, under the penalties for perjury, that **before** preparing this proposal I have:

1. carefully read the Indiana Parenting Time Guidelines, including the Preamble and General Rules and understand that they reflect the **minimum** parenting time; and,
2. completed all the work assignments for parents at (select: [www.UpToParents.org/](http://www.UpToParents.org/) [www.ProudToParent.org](http://www.ProudToParent.org) [delete paragraph # 3 in paternity cases] ; and,
3. completed the co-parenting class required by the court.

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Select: Mother/Father)

### **Terms of This Proposal**

The following proposal for the parenting plan for our children was prepared and is submitted in compliance with the Lake County Rules of Family Law and is part of the effort of both parents to devise a parenting plan to include the decision making and living arrangements that will serve to nurture and protect our children as the years progress. As stated in the Lake County Rules of Family Law, the following proposal was prepared and is submitted as part of the effort to compromise and settle these and other issues which now exist between the parents and, as a result, unless all of the terms of the following proposal are accepted as shown by the signature of both parents on page four (4) hereof, the following proposal and all of its terms, constitute privileged communications which are inadmissible for any purposes.

1. As the parents, important decisions in our children's lives (such as place of residence, school selection and other educational decisions, healthcare and religious upbringing) will be made as follows: \_\_\_\_\_

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2. The declared legal residence of our children for school and legal purposes will be:

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3. Due to the circumstances of the lives of the members of our family, including work schedules and the like, our parenting time schedule for our children to be with each of us will vary from the **minimum** set forth in the Indiana Parenting Guidelines, as follows:

Weekdays: \_\_\_\_\_

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Weekends: \_\_\_\_\_

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Holidays and Special Days: \_\_\_\_\_

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Extended Parenting Time/Summer Vacation: \_\_\_\_\_

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4. In the event of disagreement, we will speak to one another first to try to resolve any parenting issues. If we are unable to resolve all the issues, then we will utilize the following: (Circle all that apply and add any additional ones.)

- A. Redoing the (select: [www.UpToParents.org/](http://www.UpToParents.org/) [www.ProudToParent.org](http://www.ProudToParent.org)) website work.
- B. Additional co-parenting classes, including re-attending the basic class or attending high-conflict classes.
- C. Mediation.
- D. Arbitration.
- E. Individual, joint, family, or child counseling.
- F. Appointment of a parenting time coordinator (PTC) to work with us.
- G. Appointment of a guardian ad litem (GAL) for our children.
- H. Other (specify): \_\_\_\_\_

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5. Other provisions of our parenting plan would be: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Select: Mother/Father)

\_\_\_\_\_  
(attorney's name)

Indiana Attorney No.: \_\_\_\_\_

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

## ACCEPTANCE

By our signatures, we, as the parents, we now agree to all of the terms set forth above as our Parenting Agreement and that this document is now admissible in to evidence in court.

\_\_\_\_\_  
(Select: Mother/Father)

Date: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Select: Mother/Father)

Date: \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(attorney's name)

Indiana Attorney No.: \_\_\_\_\_

(firm name)

Attorney for (select: Mother/Father)

(address)

\_\_\_\_\_  
(attorney's name)

Indiana Attorney No.: \_\_\_\_\_

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number)

(phone number)

As dedicated parents, we will do our best to:

Remember that our children's only job is to be children, not our messengers, spies, counselors, confidants, or carriers of our hurt.

Be sure to remember that our love for our children is greater than any issue we could have with each other.

Respect each other's parenting time while also being flexible, so the children's lives can be as normal as possible.

Educate our extended families and close friends that they need to make peace as well.

Pay special attention to keep our appointments and schedules with each other and calling promptly if any problems come up.

## Appendix D

STATE OF INDIANA  COUNTY OF LAKE	SS: IN THE <u>(Title, Address and Phone Number of Court)</u>
IN RE: THE MARRIAGE OF <u>(Name of Filing Party),</u> <u>(select: Mother, Wife, Father, Husband)</u> and <u>(Name of Spouse),</u> <u>(select: Mother, Wife, Father, Husband)</u>	Cause No.

### SUMMONS AND NOTICE OF HEARING IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)  
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_M. before this Court, in (room number) which is located on the (\_\_\_\_\_ floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_M. before this Court, in (room number) which is located on the (\_\_\_\_\_ floor), at the address listed in the upper right hand corner of this Summons.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)  
Indiana Attorney No: (insert)  
(firm name)  
Attorney for (select: Mother, Wife, Father, Husband)  
(address)  
  
(phone number)

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: \_\_\_\_\_  
Deputy Clerk

#### PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and a copy of the Petition to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: \_\_\_\_\_, 20\_\_.

BY: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons:

1) By delivering on \_\_\_\_\_, 20\_\_\_\_, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2) By leaving on \_\_\_\_\_, 20\_\_\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, \_\_\_\_\_, 20\_\_\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_\_\_.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ  
SHERIFF OF LAKE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Party Served

## Appendix D-1

STATE OF INDIANA COUNTY OF LAKE	SS: IN THE <u>(Title, Address and Phone Number of Court)</u>
IN RE: THE MARRIAGE OF <u>(Name of Filing Party),</u> <u>(select: Mother, Wife, Father, Husband)</u> and <u>(Name of Spouse),</u> <u>(select: Mother, Wife, Father, Husband)</u>	Cause No.

### SUMMONS IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)  
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select: Registered or certified mail, return receipt #  
Sheriff of Lake County  
Private service by:  
Other (specify): )

Date:

(Name of attorney for Filing Party)  
Indiana Attorney No: (insert)  
(firm name)  
Attorney for (select: Mother, Wife, Father, Husband)  
(address)

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: \_\_\_\_\_  
Deputy Clerk

(phone number)

#### PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. (Form: DS 1/97)

## Appendix D-2

STATE OF INDIANA  COUNTY OF LAKE	SS: IN THE <u>(Title, Address and Phone Number of Court)</u>
IN RE: THE MARRIAGE OF <u>(Name of Filing Party),</u> <u>(select: Mother, Wife, Father, Husband)</u> and <u>(Name of Spouse),</u> <u>(select: Mother, Wife, Father, Husband)</u>	Cause No.

### SUMMONS AND NOTICE OF HEARING IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)  
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

THIS IS YOUR OFFICIAL NOTICE that a hearing on Provisional Orders has been scheduled for \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_M. before this Court, in (room number) which is located on the (\_\_\_\_\_ floor), at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

Date:

(Name of attorney for Filing Party)  
Indiana Attorney No: (insert)  
(firm name)  
Attorney for (select: Mother, Wife, Father, Husband)  
(address)

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: \_\_\_\_\_  
Deputy Clerk

(phone number)

#### PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

## Appendix D-3

STATE OF INDIANA		IN THE (Title, Address and Phone Number of
COUNTY OF LAKE		Court)
SS:		
IN RE: THE MARRIAGE OF		Cause No.
(Name of Filing Party),		
(select: Mother, Wife, Father, Husband)		
and		
(Name of Spouse),		
(select: Mother, Wife, Father, Husband)		

### SUMMONS AND NOTICE OF HEARING IN PROCEEDINGS FOR DISSOLUTION OF MARRIAGE

THE STATE OF INDIANA TO : (name of spouse being served)  
(address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both you and your spouse complete certain, specific tasks and you should immediately and carefully review those requirements at the website established by the Court at: [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

THIS IS YOUR OFFICIAL NOTICE that a final hearing has been scheduled for \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_M. before this Court, in (room number) which is located on the (\_\_\_\_\_ floor), at the address listed in the upper right hand corner of this Summons.

If you do not file a written appearance with the Clerk and serve a copy on your spouse's attorney, you may not receive notice of any further proceedings in this action. If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's Petition after the expiration of sixty (60) days from the date of the filing of the Petition. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select: Registered or certified mail, return receipt #  
Sheriff of Lake County  
Private service by:  
Other (specify): \_\_\_\_\_)

Date:

(Name of attorney for Filing Party)  
Indiana Attorney No: (insert)  
(firm name)  
Attorney for (select: Mother, Wife, Father, Husband)  
(address)

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

By: \_\_\_\_\_  
Deputy Clerk

(phone number)

#### PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service.

If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court. (Form: DS 1/97)



**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and a copy of the Petition to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons:

1) By delivering on \_\_\_\_\_, 20\_\_\_\_, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2) By leaving on \_\_\_\_\_, 20\_\_\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, \_\_\_\_\_, 20\_\_\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_\_\_.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ  
SHERIFF OF LAKE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Party Served

## Appendix E

STATE OF INDIANA

COUNTY OF LAKE

IN THE MATTER OF THE PATERNITY OF:  
KIRBY UPRIGHT  
Male Born 1/1/2007

IN THE SUPERIOR COURT OF LAKE COUNTY  
JUVENILE DIVISION, 3000 West 93<sup>rd</sup> Avenue,  
Crown Point, Indiana 46307 (219) 660-6900

CAUSE NO. 45D06-0107-JP-0000

HOOVER ORECK,  
Putative Father,  
and

DYSON UPRIGHT,  
Mother

KIRBY UPRIGHT b/n/f HOOVER ORECK

### SUMMONS AND NOTICE OF INITIAL HEARING IN A PATERNITY CASE

THE STATE OF INDIANA TO:

Dyson Upright  
1234 Electrolux Lane  
Berber, IN 46000

A paternity action has been filed in the Court stated above. A copy of the Petition (and, in some cases, other documents) together with a separate Notice from the Court which is printed on yellow paper are attached to or otherwise served with this Summons and contain important details regarding the nature of these proceedings. Local Rules in Lake County require that both parties to this case complete certain specific tasks. You should immediately and carefully review those requirements at the website established by the Court at: [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

**THIS IS YOUR OFFICIAL NOTICE** that an Initial Hearing to Establish Paternity is scheduled for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_m. at the address listed in the upper right hand corner of this Summons. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. **If you do not appear for that hearing, a final order could be entered by default determining paternity, custody, parenting time and child support.**

If you do not file a written appearance with the Clerk and serve a copy on the attorney whose name and address is set forth at the bottom of this page, you may not receive notice of any further proceedings in this action. You are not required to file any written Answer to respond to the Petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against the person who filed the Petition, you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served upon the attorney whose name and address is set forth at the bottom of this page.

The following manner of service is designated: **Sheriff (or CMRRR, or Private Server etc.)**

Date:  
F.Q. Cannister, #000-45  
Attorney for Putative Father  
789 Suction Lane  
Vacuum, IN 46000  
219.000.0000

THOMAS R. PHILPOT  
CLERK, SUPERIOR COURT OF LAKE COUNTY  
By: \_\_\_\_\_  
Deputy Clerk

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and a copy of the Petition to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Petition was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THOMAS R. PHILPOT  
CLERK, LAKE CIRCUIT/SUPERIOR COURTS

Dated: \_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons:

1. By delivering on \_\_\_\_\_, 20\_\_\_\_, a copy of this Summons and a copy of the Petition to each of the within named person(s).

2. By leaving on \_\_\_\_\_, 20\_\_\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the Petition at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the Petition to the said named person(s) at the address listed herein.

3. This Summons came to hand this date, \_\_\_\_\_, 20\_\_\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_\_\_.

ALL DONE IN LAKE COUNTY, INDIANA.

ROY DOMINGUEZ  
SHERIFF OF LAKE COUNTY, INDIANA

By: \_\_\_\_\_

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of the within Summons and a copy of the Petition at \_\_\_\_\_ in \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Party Served

## Appendix F

**NOT FOR PUBLIC ACCESS**

\_\_\_\_\_  
Petitioner

Cause No. \_\_\_\_\_

\_\_\_\_\_  
Respondent

### **INFORMATION SHEET FOR FAMILY COURT PILOT PROJECT**

This form is required to be completed in full and filed with the Clerk's Office with all new petitions filed for dissolution of marriage, legal separation and determination of paternity. The information on this form will be used to identify families who have more than one cause of action pending in the Lake County Court system, and to aid the Courts in tracking the progress of these matters.

	Full Name	Soc. Sec. Number	Date of Birth	Sex (M/F)
<b>Petitioner:</b>				
<b>Respondent:</b>				

Names of all children of the parties:	Soc. Sec. Number	Date of Birth	Sex (M/F)

Names of all other persons residing in the parties' household:

Full Name	Soc. Sec. Number	Relationship	Date of Birth	Sex (M/F)

Please list all other court cases in which the parties, their children or any members of their household are involved in any capacity. Include all cases, including Juvenile, Probate, Criminal, Civil, Domestic Relations, Protective Orders, Small Claims and Traffic.

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Title of case:	Name and location of court:
Type of case:	Cause Number:

Use additional sheets if necessary to supply complete information.

## Appendix G

### **JUDGES' NOTICE TO PARENTS GOING THROUGH DIVORCE**

We, the Judges and Magistrates of Lake County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. As soon as possible, visit [www.LakeCountyKids.org](http://www.LakeCountyKids.org) to learn about the Courts' expectations and to read the Lake County Rules of Family Law for important information about how divorce cases will be handled to:
  - ensure safety;
  - reduce conflict;
  - build cooperation; and,
  - protect the best interests of all family members, especially all children.
2. If there will be no attorneys in your case, see the "Cases Without Attorneys" link on Courts' website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org), for special work required of you.
3. If you and your spouse have any children under the age of 18, you **must** do the following within 30 days:
  - a. Register for a co-parenting class. You will find more information about the class and how to register at the link on the Courts' website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org).
  - b. Complete the work on [www.UpToParents.org](http://www.UpToParents.org), and take your completed work to your co-parenting class, give a copy to your attorney, and bring it with you to all court appearances and other meetings.
4. If you and your spouse have any children under the age of 18, you should attempt to establish your own plan for the decision making and living arrangements that will serve to nurture and protect your children. A plan which is worked out between the parents to fit the needs of their children and family is almost always the best. You should review the Indiana Parenting Time Guidelines at the link on the Courts' website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org). The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. We recommend that you use the Parenting Plan Proposal/Worksheet which you will also find on the Courts' website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org).
5. You and your spouse must complete and exchange Financial Declaration Forms with all required attachments. You will find this Form at the link on the Courts' website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org).

## Appendix H

### JUDGES' NOTICE TO PARENTS IN PATERNITY CASES

We, the Judges and Magistrates of Lake County, share the following information so that you will know of our commitment to the best interests of children. *Please read this information carefully, as we expect you and all other persons involved in your case to be partners in serving those best interests.*

1. **If either of you question whether or not the man named as the father in this case is the father**, the Court will order genetic testing at the initial hearing to establish paternity. If the man named as father is found not to be the father by genetic testing, the case will be dismissed.
2. **If paternity is established**, whether by agreement or otherwise, or following genetic testing, the Local Rules of the Circuit and Superior Court of Lake County, Indiana, require you to do the following:
  - A. **Complete the work on [www.ProudToParent.org](http://www.ProudToParent.org)** and furnish the Court with a certification that you have done so.
  - B. **Complete and exchange Financial Declaration Forms with all required attachments.** You will find this form at the link on the Court's website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org).
3. **In addition, if paternity is established**, whether by agreement or otherwise, or following genetic testing, you will be expected to do the following:
  - A. **Devise a Parenting Plan for your children.** A Parenting Plan consists of the decision making and living and financial arrangements that will serve to nurture and protect your children as the years progress. A plan which is worked out between the parents to fit the needs of their children and family is almost always best. You should review the Indiana Parenting Time Guidelines at the link on the Court's website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org). The Court considers those Guidelines to be the **minimum** parenting time for each parent to have frequent, meaningful, and continuing contact with their children. We recommend that you use the Parenting Plan Proposal/Worksheet which you will also find on the Court's website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org). If you fail to devise a successful Parenting Plan for your children, this Court may require you to attend and complete, at your own expense, a co-parenting class.
  - B. **If there will be no attorneys in your case**, read the "Cases Without Attorneys" link on the Court's website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org), for special work required of you.
  - C. **Read the Lake County Rules of Family Law and the Indiana Parenting Time Guidelines** which are available on the Court's website, [www.LakeCountyKids.org](http://www.LakeCountyKids.org), for additional important information on the Court's expectation that everyone involved in your case will be a partner in:
    - **ensuring safety;**
    - **reducing conflict;**
    - **building cooperation; and,**
    - **protecting the best interests of all family members, especially all children.**

## Appendix I

### DISSOLUTION OF MARRIAGE: FINANCIAL DECLARATION FORM STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF LAKE COUNTY

IN RE THE MARRIAGE OF:

Cause No. \_\_\_\_\_

\_\_\_\_\_  
(select: Mother, Wife, Father, Husband)  
and

\_\_\_\_\_  
(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: \_\_\_\_\_

*This declaration is considered mandatory discovery and must be exchanged between the parties within 60 days of the initial filing of the Dissolution of Marriage. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose sanctions set forth in Rule 6 of the Lake County Rules of Family Law. If appraisals or verifications are not available within 60 days the form must be exchanged within 60 days with a notation that appraisals or verifications are being obtained and then the Declaration shall be supplemented within 30 days thereafter.*

Husband: \_\_\_\_\_

Wife: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Soc. Sec. No.: \_\_\_\_\_

Soc. Sec. No.: \_\_\_\_\_

Badge/Payroll No.: \_\_\_\_\_

Badge/Payroll No.: \_\_\_\_\_

Occupation: \_\_\_\_\_

Occupation: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer: \_\_\_\_\_

Date started this employment: \_\_\_\_\_

Date started this employment: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Date of Marriage: \_\_\_\_\_

Date of Physical Separation: \_\_\_\_\_

Date of Filing: \_\_\_\_\_



List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

_____	_____
_____	_____
_____	_____

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

_____	_____
_____	_____
_____	_____

#### **Part I. INCOME AND EXPENSES STATEMENT**

Attach **COMPLETE** copies of your **Federal Income Tax Returns** for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

#### **Person Responding**

**A. Gross yearly** income from Salary and Wages, including commissions, bonuses, allowances and overtime received in most recent year.

\_\_\_\_\_

**Average gross pay per** pay period (indicate whether you are paid weekly each 2 weeks or twice per month)

\_\_\_\_\_

#### **B. Gross Monthly Income From Other Sources<sup>1</sup>**

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>1</sup>Some of these items may not apply to support or maintenance computations.

**C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.**

_____	_____
_____	_____
_____	_____

**For each expense attach verification of payment** even if it is not specifically requested on this form - please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines.

**However if** you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

**Person Responding**

Rent or Mortgage payments (residence) \_\_\_\_\_

Real Property Taxes (residence) if not included  
in mortgage payment \_\_\_\_\_

Real Property Insurance (residence) if not included  
in mortgage payment \_\_\_\_\_

Cost of **all** Medical Insurance - specify time period -  
Attach verification of payment if not on pay stub \_\_\_\_\_

Cost of **only** that medical insurance that is related to the  
children of this action - specify time period - attach  
verification from employer or insurance company \_\_\_\_\_

Child care costs - **to permit work** - specify time  
period (per day, week, month) - attach verification \_\_\_\_\_

Pre-School Costs (specify time period week, semester or year) \_\_\_\_\_

School Tuition - per semester (Grade or High School) \_\_\_\_\_

Book Costs - per semester (Grade or High School) \_\_\_\_\_

**For Post High School Attach separate list with explanation  
of loans and scholarships and grants** \_\_\_\_\_

Child support paid for children other than those involved in  
this case - attach proof of payment \_\_\_\_\_

**D. IN ALL CASES INVOLVING CHILD SUPPORT:** Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is \_\_\_\_\_

**E. POST HIGH SCHOOL EDUCATION EXPENSE**

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. **Further attach to this financial affidavit any documentation you have in support of these answers.**

Name of Student \_\_\_\_\_

Name of School \_\_\_\_\_

Cost of School per year - If applicable, include room and board \_\_\_\_\_

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received: \_\_\_\_\_

\_\_\_\_\_  
Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e).

**F. Debts And Obligations:** (Include credit union) attach additional sheets as needed. Indicate any special circumstances, i.e., premarital debts, debts in arrears on the date of physical separation, or date of filing and the amount or number of payments in arrears.

**ATTACH A COPY OF THE MOST RECENT STATEMENT FOR EACH LISTED DEBT**

<u>Creditor's Name &amp; Persons on Account</u>	<u>Balance</u>	<u>Monthly Payment</u>

**PART II. NET WORTH - ATTACH ALL AVAILABLE DOCUMENTATION TO VERIFY VALUES -**

List all property owned either individually or jointly. Indication who holds or how the title is held: (H) Husband, (W) Wife, or (J) Jointly or other appropriate indication. WHERE SPACE IS INSUFFICIENT FOR COMPLETE INFORMATION OR LISTING PLEASE ATTACH SEPARATE PAGE.

**A. Household Furnishings:** (Value of Furniture, Appliances, and Equipment, as a whole - You need not itemize - indicate whether you use replacement cost or "garage sale" value)

**B. Automobiles, Boats, Snowmobiles, Motorcycles, Etc.:**

<u>Year - Make &amp; Present Value</u>	<u>Titled Owner</u>	<u>Balance Owed</u>

**C. Cash and Deposit Accounts:** (including ALL banks, savings and loan associations, credit unions, thrift plans, mutual funds, certificate of deposit, savings and/or checking accounts, IRA's and annuities). **This also includes listing the contents of any safety deposit boxes.** Use additional page if necessary.

<u>Name of Institution &amp; Type of Account</u>	<u>"Owners"</u>	<u>Account No.</u>	<u>Balance</u>

**D. Securities:** (Stocks, Bonds, Etc) - use additional page if necessary

<u>Company Name</u>	<u>"Owner"</u>	<u>Shares</u>	<u>Value</u>

**E. Real Estate:** (attach separate sheet with the following information for each separate piece of real estate).

Address: \_\_\_\_\_ Type of Property: \_\_\_\_\_

\_\_\_\_\_ Date of Acquisition: \_\_\_\_\_

Original Cost: \_\_\_\_\_ Present Value: \_\_\_\_\_

Basis for Valuation: \_\_\_\_\_  
(Attach appraisal if obtained)

1<sup>st</sup> MORTGAGE BALANCE AS OF DATE OF ANSWER: \_\_\_\_\_

Other liens (amount and type): \_\_\_\_\_

Monthly payment on each mortgage: 1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

To whom paid: \_\_\_\_\_

Taxes (if not included in Mtg. payment): \_\_\_\_\_

Insurance (if not included in Mtg. payment): \_\_\_\_\_

Special Assessments (including utility or condo assessments): \_\_\_\_\_

Identify Individual contributions to the real estate (for example, inheritance, pre-marital assets, personal loans, etc.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**F. Retirement Plans:** List monthly amount you would be entitled to at earliest retirement date (indicating that date) if you stopped work today. Your response should indicate date of valuation. Further, if it is a defined interest plan list present amount in plan and date of valuation.

Also, identify whose plan it is and list both the name and the address of administrator of plan - indicate whether plan is vested - if not vested, indicate when it will vest:

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**Attach documents from each plan verifying information. If not yet received, attach a copy of your written request to the plan(s).**

**G. Life Insurance:** Give name of insured, beneficiary, company issuing, policy #, type of insurance (term, whole life, group), face value, cash value and any loans against - include plans provided by employer:

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**H. Business or Professional Interests:** Indicate name, share, type of business, value less indebtedness, etc.:

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**I. Other Assets:** (this includes coin, stamp or gun collections or other items of unusual value). Use additional pages as needed:

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### PART III. VERIFICATION

I declare, under the penalty of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all of my assets and liabilities. Furthermore, I understand that if, in the future, it is proven to this court that I have intentionally failed to disclose any asset or liability, I may lose the asset and may be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income, assets or liabilities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
PARTY'S SIGNATURE

### PART IV. ATTORNEY'S CERTIFICATION

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(attorney's name)

Indiana Attorney No.: \_\_\_\_\_

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number) \_\_\_\_\_

## Appendix J

### PATERNITY & POST DECREE: FINANCIAL DECLARATION FORM STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF LAKE COUNTY

IN RE THE MARRIAGE OF:

Cause No. \_\_\_\_\_

\_\_\_\_\_  
(select: Mother, Wife, Father, Husband)

and

\_\_\_\_\_  
(select: Mother, Wife, Father, Husband)

FINANCIAL DECLARATION OF: \_\_\_\_\_

*This declaration is considered mandatory discovery and must be exchanged between the parties within 30 days of the filing of any paternity case or any post decree matter. Parties not represented by counsel are required to comply with these practices. Failure by either party to complete and exchange this form as required will authorize the court to impose the sanctions set forth in Rule 6 of the Lake County Rules of Family Law, these include costs and attorney fees.*

Father: \_\_\_\_\_

Mother: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Soc. Sec. No.: \_\_\_\_\_

Soc. Sec. No.: \_\_\_\_\_

Badge/Payroll No.: \_\_\_\_\_

Badge/Payroll No.: \_\_\_\_\_

Occupation: \_\_\_\_\_

Occupation: \_\_\_\_\_

Employer: \_\_\_\_\_

Employer: \_\_\_\_\_

Date stated this employment: \_\_\_\_\_

Date started this employment: \_\_\_\_\_

Birth Date: \_\_\_\_\_

Birth Date: \_\_\_\_\_

List the following Dates as Applicable:

Date of Dissolution: \_\_\_\_\_ Date of most recent support order: \_\_\_\_\_

Date of Filing of this paternity action: \_\_\_\_\_

Date of Filing of this post decree action: \_\_\_\_\_



List Names, dates of birth, and social security numbers of all children of this relationship, whether by birth or adoption:

_____	_____
_____	_____
_____	_____

List Names and dates of birth of any other children living at the residence of the person responding (identify if these are children of the responding party) and for each such person indicate the amount of support, if any, that is received:

_____	_____
_____	_____
_____	_____

#### **Part I. INCOME AND EXPENSES STATEMENT**

Attach **COMPLETE** copies of your **Federal Income Tax Returns** for the last three taxable years including all W2's and 1099's. Also attach proof of all wages earned in the present year up to the date of your response. If current wage statement shows year to date wages and itemized deductions this is sufficient. If current wage statement does not indicate year to date earnings and deductions attach the 8 most recent pay stubs.

#### **Person Responding**

**A. Gross yearly** income from Salary and Wages, including commissions, bonuses, allowances and overtime received in most recent year.

\_\_\_\_\_

**Average gross pay per** pay period (indicate whether you are paid weekly each 2 weeks or twice per month)

\_\_\_\_\_

#### **B. Gross Monthly Income From Other Sources<sup>2</sup>**

List and explain in detail any Rents received, Dividend income, or Pension, Retirement, Social Security, Disability and/or Unemployment Insurance benefits - or any other source including Public assistance, food stamps, and child support received for any child not born of the parties of this marriage.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>2</sup>Some of these items may not apply to support or maintenance computations.

**C. SELECTED LIVING EXPENSES: List names and relations of each member of the household of the Responding party whose expenses are included.**

_____	_____
_____	_____
_____	_____

**For each expense attach verification of payment** even if it is not specifically requested on this form - please note that Indiana uses an Income Shares model for determining support and thus in most cases the expenses that a party has or does not have are not relevant in determining support under the Indiana Support Guidelines.

**However if** you claim your expenses justify a deviation from the support guidelines attach a detailed list of expenses together with verification of same.

**Person Responding**

Rent or Mortgage payments (residence) \_\_\_\_\_

Real Property Taxes (residence) if not included  
in mortgage payment \_\_\_\_\_

Real Property Insurance (residence) if not included  
in mortgage payment \_\_\_\_\_

Cost of **all** Medical Insurance - specify time period -  
Attach verification of payment if not on pay stub \_\_\_\_\_

Cost of **only** that medical insurance that is related to the  
children of this action - specify time period - attach  
verification from employer or insurance company \_\_\_\_\_

Child care costs - **to permit work** - specify time  
period (per day, week, month) - attach verification \_\_\_\_\_

Pre-School Costs (specify time period week, semester or year) \_\_\_\_\_

School Tuition - per semester (Grade or High School) \_\_\_\_\_

Book Costs - per semester (Grade or High School) \_\_\_\_\_

**For Post High School Attach separate list with explanation  
of loans and scholarships and grants** \_\_\_\_\_

Child support paid for children other than those involved in  
this case - attach proof of payment \_\_\_\_\_

**D. IN ALL CASES INVOLVING CHILD SUPPORT:** Prepare and attach any Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

Further, if there exists a parenting plan or pattern then state the number of overnights the non-custodial parent will have the child during the year.

The yearly number of overnights is \_\_\_\_\_

**PART II. ARREARAGE COMPUTATION**

If case involves a claim of a support or other arrearage, attach all records or other exhibits regarding payment history and compute the arrearage as of the date of the filing of the petition or motion which raises that issue. Explain in detail how arrearage is calculated.

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**PART III. POST HIGH SCHOOL EDUCATION EXPENSE**

If any of the children subject to this case are attending post high school classes, or will attend within the next six months list the following information for each such student. **Further attach to this financial affidavit any documentation you have in support of these answers.**

Name of Student \_\_\_\_\_

Name of School \_\_\_\_\_

Cost of School per year - If applicable, include room and board \_\_\_\_\_

Identify all student financial aid including grants, scholarships, and loans and for each indicate what it is and how much will be received:

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Note in those cases where it is appropriate parties may want to engage in additional discovery concerning assets that might be applied to education such as IRA's, 401 K's etc. Note further that withdrawals from IRA's for educational expenses do not suffer a 10% penalty (IRC code sec 72 (t) 2 (e)).

**PART IV. VERIFICATION**

I declare, under the penalty of perjury, that the foregoing, is true and correct and that I have made a complete and absolute disclosure of all of my income and expenses as asked. I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income or liabilities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
PARTY'S SIGNATURE

**PART V. ATTORNEY'S CERTIFICATION**

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(attorney's name)

Indiana Attorney No.: \_\_\_\_\_

(firm name)

Attorney for (select: Mother/Father)

(address)

(phone number) \_\_\_\_\_

## **PROBATE FEE GUIDELINES AND RULES**

### **INTRODUCTION**

It is important that certain criteria be called to your attention as they pertain to Attorney and Personal Representative Fees.

The Attorney and his, or her, Client, must consider these factors. The Court in making its determination as to the fees allowed will also consider the same.

The criteria to be considered include the following:

A. The time and labor required; the novelty, complexity, or difficulty of the questions involved; and the skill required to perform the services properly;

This factor shall include a determination as to how much of the Attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions.

B. The nature and extent of the responsibilities assumed by the Attorney and the results obtained;

Included herein are considerations such as the identity of the Personal Representative, and his/her level of expertise in administering an estate; the character of the probate assets; and the character of any non-probate assets transferred.

C. The sufficiency of assets properly available to pay for legal services;

Inherent herein is whether the Attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state.

and

D. The timeliness with which the necessary services are performed consistent with statutory requirements, the Court's Rules of Procedure, and the Rules of Professional Conduct applicable thereto.

In considering all of these factors, Attorneys are urged to discuss their fee and that of the Personal Representative or Guardian at the time they are retained in all Probate and Guardianship matters.

## **LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO ESTATES**

### **LR 45-PR00-1.**

All Probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

### **LR 45-PR00-2.**

Probate matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

### **LR 45-PR00-3.**

Unless the Probate Clerk has sent the files to the Probate Commissioner, Attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

### **LR 45-PR00-4.**

All petitions, of any nature or kind, in all matters, must be executed and verified by the Personal Representative, the Trustee, or the Interested Party (Petitioner), and not by the Attorney.

### **LR 45-PR00-5.**

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

### **LR 45-PR00-6.**

All Attorneys are required to prepare orders in a form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

### **LR 45-PR00-7.**

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

LR 45-PR00-8.

Routine matters, such as Inventories, Proofs of Publication, Inheritance Tax Returns, Affidavits of No Inheritance Tax Due, Closing Statements, and Final Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

LR 45-PR00-9.

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

LR 45-PR00-10.

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business, attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

LR 45-PR00-11.

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

LR 45-PR00-12.

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

LR 45-PR00-13.

An inventory must be filed in all supervised estates within sixty (60) days after appointment of the Personal Representative. An inventory is not required to be filed in an unsupervised estate.

LR 45-PR00-14.

Attorneys must attend the hearings on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Personal Representative or Trustee at all such hearings.

LR 45-PR00-15.

Unless otherwise ordered by the Court, all accountings to the Court shall be accompanied by an affidavit stating that receipts are available for disbursements contained in the accounting.

LR 45-PR00-16.

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

LR 45-PR00-17.

All accountings must follow the prescribed statutory format. Informal or handwritten accounting will not be accepted.

LR 45-PR00-18.

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any estate.

LR 45-PR00-19.

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

LR 45-PR00-20.

In a supervised estate, any petition for the allowance of fees for the Attorney and/or the Personal Representative shall be set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a supervised estate. A separate petition must be filed requesting such fee determination. No fee shall be paid without the prior approval of the Court. No Attorney or Personal Representative fees will be authorized for payment until the estate is substantially settled.



LR 45-PR00-21.

Where contracts for legal services have been entered into prior or subsequent to the opening of, or conversion to, a supervised estate without prior Court approval, the Court reserves the right to approve or disapprove the fee contracts.

LR 45-PR00-22.

Attorney and Personal Representative fees will not be determined or authorized for payment by the Court in an unsupervised estate.

LR 45-PR00-23.

Unless otherwise stated in the decedent's Last Will and Testament, any Attorney or Personal Representative fees determined to be due by reason of non-probate assets shall be assessed against the recipients of the non-probate assets.

LR 45-PR00-24.

All deeds submitted to the Court for approval must be signed by the Personal Representative and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

LR 45-PR00-25.

In all wrongful death proceedings, the Personal Representative must be present at the time of the settlement, either partial and/or final, is presented to the Court for approval.

LR 45-PR00-26.

All documents filed with the Court must comply with the requirements of Indiana Trial Rule 5(G) and Administrative Rule 9(G)(1).

LR 45-PR00-27.

For good cause shown, the Court may waive any local procedural rule.

LR 45-PR00-28.

When required by law, all Wills must be admitted to Probate unless filed with the Clerk pursuant to Indiana Code 29-1-7-3.1, as amended.

LR 45-PR00-29.

Bond procedures for Estates:

- a. If the decedent's Will provides for no bond, the Court may honor the request unless otherwise required by statute;
- b. If all heirs request no bond or a minimal bond, the Court may honor such request unless otherwise required by statute;
- c. In all instances, upon petition by an interested person, the Court may require a bond to protect creditors, heirs, legatees, or devisees;
- d. In all other situations, the Court will determine and set the amount of the bond and in no event shall it be less than that required to protect creditors and taxing authorities;
- e. Personal surety must meet the requirements of Indiana Code 29-1-11-5;
- f. No Attorney will be accepted as personal surety on any bond required to be filed in Court.

LR 45-PR00-30.

Where an account with expenditures restricted by Court Order has been created, an acknowledgment of or acquiescence to the restriction by the financial institution involved must be filed by the Personal Representative's Attorney within ten (10) days of the Court Order creating such an account.

LR 45-PR00-31.

Three (3) months and fifteen (15) days after the date of the first published notice to creditors, the Personal Representative, or the Personal Representative's Attorney, must allow or disallow each claim filed against the estate.

LR 45-PR00-32.

If an estate cannot be closed, the Personal Representative must report the condition of the estate to the Court one (1) year after the date of the Personal Representative's appointment, and thereafter every year until the estate is fully administered.

LR 45-PR00-33.

Inheritance Tax Returns, with all required attachments, must be filed in triplicate. Proposed Orders Determining Inheritance Tax Due must be filed in quadruplicate at the time of determination of the tax.

LR 45-PR00-34.

The Federal Estate Tax closing letter and/or the countersigned receipt, or a photocopy thereof, showing payment of the Federal Estate and/or Indiana inheritance tax liability in the estate must be filed with the Final Report or the Supplemental Report.

LR 45-PR00-35.

Proof of publication of all notices required to be published shall be filed with the Court by the Attorney for the estate. It is the Attorney's responsibility to ensure that publication was timely made, and proof thereof is properly filed with the Court.

LR 45-PR00-36.

The Court shall have no involvement, other than for opening, closing and determining Indiana inheritance tax due in an unsupervised estate. If the jurisdiction of the Court is invoked for any other matter, the administration shall become a supervised administration from there on for all remaining matters.

LR 45-PR00-37.

When a verified closing statement has been filed, an affidavit executed by the Personal Representative stating that no proceedings are pending shall be filed with the Court upon the expiration of the three (3) month statutory waiting period.

LR 45-PR00-38.

If the Personal Representative has filed a claim in the estate, the claim may be allowed by the Court if all interested parties have consented. In the event the consents have not been obtained, a special administrator shall be appointed and a hearing on the claim will be held as prescribed by statute.

## **LAKE COUNTY RULES OF PROCEDURE APPLICABLE TO GUARDIANSHIPS**

LR 45-PR00-39.

All probate rules and regulations promulgated by the Veterans Administration are hereby adopted as probate rules of the Court.

LR 45-PR00-40.

Guardianship matters must be transacted with the Probate Commissioner. Only emergency matters may be submitted to the presiding Judge. Telephone calls or visits to the Probate Commissioner's private office should be kept at a minimum.

LR 45-PR00-41.

Unless the Probate Clerk has sent the files to the Probate Commissioner, attorneys must obtain files from the Probate Clerk prior to submitting any matter to the Probate Commissioner.

LR 45-PR00-42.

All petitions, of any nature or kind, in all matters, must be executed and verified by the Guardian or the Interested Party (Petitioner), and not by the Attorney.

LR 45-PR00-43.

All Attorneys are required to prepare CCS Entry Forms showing each pleading filed, and setting forth all necessary matters for all proceedings.

LR 45-PR00-44.

All Attorneys are required to prepare orders in an form approved by the Court (order per form or OPF) for all proceedings, except where expressly indicated to the contrary by the respective Probate Commissioner.

LR 45-PR00-45.

Where matters are filed by mail, or left with the Court for filing, a self-addressed stamped envelope must be included for return of documents to the Attorney.

LR 45-PR00-46.

Routine matters, such as Bonds, Inventories, and Status Reports, may be filed with the Probate Clerk for transmittal to the Probate Commissioner.

LR 45-PR00-47.

Attorneys desiring to have the Court Reporter present for a hearing must make a written request for same ten (10) days in advance of the hearing. Hearings involving the Court Reporter shall be set subject to his or her availability.

LR 45-PR00-48.

Any contested matters scheduled for hearing on a probate day shall take precedence over unscheduled business, attorneys are encouraged to call the Court to find out when contested matters are routinely scheduled.

LR 45-PR00-49.

The Attorney shall prepare any required notices and shall ensure that such notices are properly served in compliance with statutory requirements. The Attorney shall ascertain and provide adequate proof that notice was properly served prior to bringing a matter to the attention of the Probate Commissioner.

LR 45-PR00-50.

Copies of petitions and accountings must be sent with all notices, where the hearing involved arises from the matters contained in the petition and/or accounting.

LR 45-PR00-51.

Inventories must be filed in all temporary guardianships of the estate within thirty (30) days after appointment of the Guardian. For permanent guardianships of the estate, inventories must be filed within ninety (90) days after appointment of the Guardian.

LR 45-PR00-52.

Attorneys must attend the hearing on current or final accounts on the date scheduled for such hearings. The Court may, in its discretion, require the attendance of the Guardian at all such hearings.

LR 45-PR00-53.

Unless otherwise ordered by the Court, all accounting to the Court shall be accompanied by an affidavit stating that receipts are available for all disbursements contained in the accounting.

LR 45-PR00-54.

Receipts for all final distributions must be filed with the final report or the supplemental report before discharge will be given by the Court.

LR 45-PR00-55.

All accountings must follow the prescribed statutory format. Informal or handwritten accountings will not be accepted.

LR 45-PR00-56.

The name and address of the Insurance Agency providing the corporate surety must be typed on all corporate bonds filed in any guardianship.

LR 45-PR00-57.

In all contested matters, the Indiana Rules of Trial Procedure shall apply.

LR 45-PR00-58.

Any petition for the allowance of fees, for the Attorney and/or the Guardian shall set forth a description of the services performed and a calculation of the amount of the fee requested. At the time the petition is considered by the Court, the Attorney must be present. No fee request will be considered as a part of the final report or account in a guardianship proceeding. A separate petition must be filed requesting such fee determination. No fee shall be paid without prior approval of the Court.

LR 45-PR00-59.

Where contracts for legal services have been entered into prior or subsequent to the opening of a guardianship over the estate of an incapacitated individual without prior Court approval, or when a settlement has been reached and no Guardianship is required, the Court reserves the right to approve or disapprove the fee contracts.

LR 45-PR00-60.

Attorney and Guardian fees will not be determined or authorized for payment by the Court in guardianship proceedings over the person of the incapacitated individual.

LR 45-PR00-61.

All deeds submitted to the Court for approval must be signed by the Guardian and the signature notarized prior to its submission. Copies of such deeds must be filed for the Court records.

LR 45-PR00-62.

In all wrongful death proceedings, the Guardian must be present at the time the settlement, either partial and/or final, is presented to the Court for approval. The Court retains the right to require the presence of the minor, incapacitated person, or a Custodial parent at the time the settlement is presented to the Courts for approval.

LR 45-PR00-63.

All documents filed with the Court must comply with the requirements of Indiana Trial Rule 5(G) and Administrative Rule 9(G)(1).

LR 45-PR00-64.

For good cause shown, the Court may waive any local procedural rule.

LR 45-PR00-65.

In all guardianship matters pertaining to declaring an adult incapacitated for any reason, at a minimum, the Physician's Statement in a form acceptable to the Court, executed by the licensed physician treating the alleged incapacitated person, must be submitted at the time the petition is filed or on the hearing date. No determination will be made without the Physician's Statement and/or supporting medical testimony. (SEE ATTACHED FORM)

LR 45-PR00-66.

A bond shall be required equal to the sum of the full value of the personal property of the protected person and one year's estimated income from all assets in the Guardianship. Exceptions as provided by statute may be permitted, in the Court's discretion.

LR 45-PR00-67.

Where an account with expenditures restricted by Court order has been created, an acknowledgement of or acquiescence to the restriction by the financial institution involved must be filed by the guardian's Attorney within ten (10) days of the Court Order creating such an account. (SEE ATTACHED FORM)

LR 45-PR00-68.

Current reports filed by the Guardian must show the present whereabouts of the protected person and his/her general welfare.

LR 45-PR00-69.

All Guardian's accountings must contain a certification by an officer of a financial institution or the holding institution that the assets remaining in the guardianship which are in the charge, custody, or control of the holding institution, other than real estate, have been exhibited to said officer, and that they correspond with what is shown in the recapitulation section of the accounting. (SEE ATTACHED FORMS)

LR 45-PR00-70.

All benefits and payments, such as Social Security benefits received on behalf of a protected person, must be included and accounted for in the Guardian's accountings unless excluded by prior order of the Court.

LR 45-PR00-71.

Neither the Guardian nor the Attorney shall take or receive any fees until the amount thereof has been approved by the Court.



LR 45-PR00-72.

An order in a form approved by the Court (order per form or OPF) must be submitted at the time of the appointment of a Guardian, detailing the duties, responsibilities and powers of the Guardian. Any limitations on the duties, responsibilities and powers of the Guardian must be detailed on a separate schedule which shall be incorporated in or attached to the Letters of Guardianship.

LR 45-PR00-73.

In all instances in which the appointment of a Guardianship is contested, a Guardian Ad Litem shall be appointed unless waived by law, or by the Court in the Court's discretion, or if the alleged incapacitated person is represented by counsel.

## GUARDIANSHIP FORMS

### FORM A. ACCOUNT VERIFICATION

#### ACCOUNT VERIFICATION

TO: \_\_\_\_\_

FROM: \_\_\_\_\_  
**Guardian's Name**

RE: Guardianship of \_\_\_\_\_

In order to comply with the rules of  
the Probate Court, I am required to file  
a Certification of Account Balances.

Please certify the balances and names  
on the accounts I have listed below, as  
of \_\_\_\_\_, 2\_\_\_\_.

Dated: \_\_\_\_\_

Guardian: \_\_\_\_\_  
**Guardian's Name**

#### FOR BANK USE ONLY:

I certify that on \_\_\_\_\_, \_\_\_\_\_ on deposit in this institution to the  
2\_\_\_\_\_, the last day of the period credit of the Guardian, the following  
covered by this accounting, there was balance:

NAME ON ACCOUNT	ACCOUNT NUMBER	BALANCE	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name and Address of Institution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Certifying Officer:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**FORM B. CERTIFICATE OF INVESTMENT**

**CERTIFICATE OF INVESTMENT**

<b>KIND OF SECURITY</b>	<b>INTEREST RATE</b>	<b>DATE OF ACQUISITION</b>	<b>FACE VALUE</b>	<b>GUARDIANSHIP VALUE</b>
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I certify that the securities listed  
herein were exhibited to me by the  
Guardian, \_\_\_\_\_,

as being the property of the Protected  
Person and in the custody of the  
Guardian.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title of Certifying Officer

\_\_\_\_\_  
Name and Address of Institution

## FORM C. PHYSICIAN'S REPORT

### PHYSICIAN'S REPORT

\_\_\_\_\_, a physician holding an unlimited license to practice medicine in the State of Indiana, submits the following report on \_\_\_\_\_, 'Patient', based upon examination of Patient.

1. Set forth the dates of all examinations of the Patient within the last one (1) year from the date hereof.

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2. In your opinion, based upon your examination and observation of the Patient, is the Patient incapacitated? If so, describe the nature and type of incapacity.

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3. In your opinion, based upon your examination and observation of the Patient, how long has the Patient been incapacitated?

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4. Describe the Patient's mental and physical condition; and if appropriate, describe the Patient's educational condition, adaptive behavior and social skills.

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5. In your opinion, is the Patient totally or only partially incapable of making personal and financial decisions? And, if the latter, state the kinds of decisions which the Patient can and cannot make. Include the reason for this opinion.

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6. In your opinion, what is the most appropriate living arrangement for the Patient? And, if applicable, describe the most appropriate treatment or rehabilitation plan. Include the reasons for your opinion.

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7. Can the Patient appear in Court without injury to his/her health? \_\_\_\_ Yes \_\_\_\_ No

If the answer is no, explain the medical reasons for your answer.

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8. If the Patient capable of consenting to the appointment of a Guardian? \_\_\_\_ Yes \_\_\_\_ No

9. Is the nature of the Patient's incapacity such that it prevents the Patient from making a knowing and voluntary Waiver of Notice? \_\_\_\_ Yes \_\_\_\_ No

10. In your opinion, is a Guardian needed to care for the Patient? \_\_\_\_ Yes \_\_\_\_ No

If a Guardian is needed, is one needed for personal or financial needs, or both?

\_\_\_\_ Yes \_\_\_\_ No

I affirm, under the penalties of perjury, the above and foregoing is true and correct to the best of my knowledge and belief.

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Dated: \_\_\_\_\_

If the description of the Patient's mental, physical and educational condition, adaptive behavior or social skills is based on evaluations by other professionals, please provide the names and addresses of all professionals who are able to provide additional evaluations. Evaluations on which the report is based should have been performed within three (3) months of the date of the filing of the Petition.

Names and addresses of other persons who performed evaluations upon which this report is based:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**FORM D. LAWYER'S UNDERTAKING AND OBLIGATION**

**LAWYER'S UNDERTAKING AND OBLIGATION**

I, \_\_\_\_\_, having been appointed as Guardian or as the Person best suited to protect the Estate of \_\_\_\_\_, by the Superior Court of Lake County, sitting at \_\_\_\_\_, Indiana, hereby authorize my Attorney \_\_\_\_\_, to deposit all of the net guardianship assets, in the amount of \$\_\_\_\_\_, in a bank account or other interest bearing account in my name on behalf of the Protected Person, \_\_\_\_\_, with the restriction that withdrawal of principal or interest may be made ONLY on written order of the Court, or upon the Protected Person reaching the age of majority.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Guardian of Protected Person

I, as an Officer of the Court and as Attorney for the above Guardianship, hereby assume and undertake personal responsibility to the above named Protected Person and to the Court to make the above designated restricted deposit and to deliver copies of the SIGNATURE CARD or CERTIFICATE evidencing the restricted deposit and the amount thereof to the Court with ten (10) days from the receipt of the funds, or to refund all of the funds to the Court immediately upon demand.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Attorney

**FORM E. CERTIFICATE OF ACCOUNT RESTRICTION**

**CERTIFICATE OF RESTRICTION OF ACCOUNT**  
**IN COMPLIANCE WITH LAWYER'S UNDERTAKING**

The undersigned hereby certifies that he/she is an Officer or employee of the below named financial institution and that the following account has been opened:

Type of Account: \_\_\_\_\_

Account Number: \_\_\_\_\_

Amount Deposited: \_\_\_\_\_

Owner per Signature Card or Document of Title: \_\_\_\_\_

\_\_\_\_\_  
The undersigned further certifies that a copy of the Order of the Superior Court of Lake County has been examined in full by us and that the terms of this account included a restriction that withdrawal of principal or interest may be made only on written order of the Superior Court of Lake County, or upon the Protected Person reaching the age of majority.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Name of Financial Institution

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed

\_\_\_\_\_  
Title

## **LAKE COUNTY ALTERNATIVE DISPUTE RESOLUTION RULES**

### **LR 45-ADR2.2-1. Applications and list of mediators**

A. Any individual who fulfills the qualifications for mediator established by the Supreme Court of Indiana may submit an application to the circuit or any superior court to be placed upon the list of mediators. The application shall include the following information:

1. mediator's name, address and telephone number;
2. county of residence;
3. information about co-mediator if applicable;
4. type of cases which the mediator is competent to mediate;
5. any known limitations on referrals, such as disqualification because of marital relationship or employment, etc.;
6. statement of mediation training;
7. statement of professional background, including attorney number and date of admission to bar, and/or educational requirements for domestic mediation;
8. statement of use of effective conflicts-checking system;
9. such other information on background and mediation training relevant to the court's review of the application.

A sample form is provided as Appendix A.

B. The court shall review each application and determine the eligibility of the individual to be included on the list of mediators approved by the court.

1. The court administrator shall maintain a comprehensive list of all court- approved mediators for the county. A copy of the list of mediators shall be available to the public for inspection in the Office of the Clerk of Lake County.
2. The court administrator shall also maintain a comprehensive list of lawyers engaged in the practice of law in the county who are willing to serve as arbitrators. A copy of the list of arbitrators shall likewise be available to the public for inspection in the Office of the Clerk of Lake County.



LR 45-ADR2.7-2. Civil cases

A. Definition. For the purposes of this rule, "alternative dispute resolution" and "ADR" shall mean mediation and/or mini-hearings. This rule does not affect the parties' rights to agree to arbitration as provided by the ADR Rules of the Supreme Court of Indiana.

B. Case Selection and Objections. The court may order the parties to mediation or mini-hearing upon the occurrence of any of the following:

1. Any party's written request for mediation or mini-hearing any time after the expiration of the fifteen (15) day period allowed for peremptory change of venue;
2. At any time following the filing of the claim for relief if all of the parties file a written stipulation therefor; or
3. More than ninety (90) days have elapsed since the initiation of the claim and the case has not been scheduled for a pretrial conference.

In determining whether a case is appropriate for a judicial referral to ADR, the court may consider such factors as:

- (a) whether the case has been pending more than 180 days;
- (b) whether a pretrial conference has been requested;
- (c) whether the case is eligible for dismissal pursuant to TR 41(E);
- (d) whether the case is set for trial.

C. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

D. Any party may object to an order for mediation or mini-hearing by filing a written objection specifying the grounds for the objection within fifteen (15) days of the date of the order referring the case to mediation or mini-hearing, as provided in ADR Rule 2.2. Any response to the objection must be filed within ten (10) days of the service of the objection.

E. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within ninety (90) days from the date of the order to engage in ADR, unless specifically ordered otherwise. In the event mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation.

If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E) within 15 days of completion of the mediation. However, if the parties agree, a party may file the agreement in place of the mediator. If a party is to file the agreement, that party shall be identified in the mediator's report.

F. Payment of the Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties, the mediator's fees shall be paid in the following proportions:

one-third ( 1/3 ) by the plaintiff or plaintiffs;

one-third ( 1/3 ) by the defendant or defendants;

one-third ( 1/3 ) by the intervenor or third party.

In the case of multiple plaintiffs, defendants or intervenors, the mediator's fee shall be apportioned equally among the number of plaintiffs, defendants or intervenors, unless they shall agree otherwise.

G. Written Agreements. All agreements which resolve issues shall be reduced to writing and signed by all parties and their counsel, and shall be submitted to the court with the mediator's report, or as soon thereafter as is practicable.

H. Parties to Attend. In all non-family cases, the attorney(s) who will try the case and the parties shall attend the mediation conference. A corporate party shall send a corporate representative with full authority to settle the case. If insurance is involved in the matter, the insurance carrier shall send a company representative who has full and absolute authority to resolve the matter for an amount which is the lesser of the policy limits or the most recent demand of the adverse party.

#### LR 45-ADR00-3. Domestic relations cases

A. Case Selection. In applying the Alternative Dispute Resolution Rules, mediation is the appropriate method of court-ordered dispute resolution in domestic relations cases.

B. Time for Filing Motions and Stipulations. Either party may file a motion for referral to mediation at any time during the pendency of the case, from the time of filing and thereafter until the final hearing. The parties may file a joint application for referral to mediation at any time during the pendency of the case.

1. In determining whether a case is appropriate for judicial referral to ADR, the court may consider such factors as:

(a) whether the time for exchange of financial disclosure information has passed;

(b) when time for a contested hearing has been requested on the court's calendar;

(c) whether the case involves post-decree issues.

2. Nothing in this rule shall be interpreted to constrain or otherwise limit the court from referring a case to ADR at such other time as the court deems appropriate.

3. Completion of Mediation. The mediator and the parties shall make a good faith effort to complete the mediation process within sixty (60) days from the date of the order to engage in ADR.

In the event that mediation is not complete within that time, the mediator shall file a report with the court as to the current status of the mediation and the projected date of completion of the mediation.

If the mediation is complete, the mediator shall file the agreement and report as required by ADR Rule 2.7(E). However, if the parties so agree, a party may file the agreement separately, and that party shall be identified in the mediator's report.

The mediator's report shall also include the parties' agreement as to a date certain for filing their agreement.

4. Payment of Mediator's Fees. Unless otherwise specifically set forth in the order referring the case to mediation, or unless otherwise agreed by the parties prior to the mediation conference, the mediator's fees shall be paid in the following proportions:

one-half ( 1/2 ) by the petitioner;

one-half ( 1/2 ) by the respondent.

5. Parties to Attend. In domestic relations cases, the attendance of the parties' counsel is not required at every session. If counsel choose not to attend, they shall be given the opportunity to review and discuss any settlement proposal made at a mediation conference.

#### APPENDIX A. MEDIATOR'S APPLICATION FOR CIVIL/DOMESTIC CASES

(strike one if necessary)

I, \_\_\_\_\_, hereby apply to be placed on the court's listing of mediators, and include the following information pursuant to ADR Rule 2.5:

##### 1. NAME AND ADDRESS.

Name: \_\_\_\_\_

Business address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Resident of \_\_\_\_\_ County

2. CO-MEDIATOR. (check one)

This is not a joint application \_\_\_\_\_

This is a joint application \_\_\_\_\_

My co-mediator has also filed an application with the court, and his/her  
name is \_\_\_\_\_.

3. TYPES OF CASES. In accordance with ADR Rule 2.3, I am applying to mediate the following  
types of cases:

CIVIL:

\_\_\_\_ CONTRACT

\_\_\_\_ PROBATE

\_\_\_\_ TORT

\_\_\_\_ PROPERTY

\_\_\_\_ PROBATE

\_\_\_\_ OTHER (list)

\_\_\_\_ all civil cases

DOMESTIC RELATIONS:

\_\_\_\_ CHILD CUSTODY ONLY

\_\_\_\_ CHILD SUPPORT ONLY

\_\_\_\_ PROPERTY DIVISION

\_\_\_\_ OTHER (list)

\_\_\_\_ COMPLETE DIVORCE--NO CHILDREN

\_\_\_\_ COMPLETE DIVORCE WITH CHILDREN

4. LIMITATION ON REFERRALS. I am unable to accept referrals pursuant to ADR Rule  
2.5(A)(1) when one of the following attorneys is an attorney of record in the case, because I am  
employed by them OR related to them: \_\_\_\_\_.

5. MEDIATION TRAINING. I have completed the following total number of hours of mediation  
training:

(a) CORE MEDIATION TRAINING. I have attended a forty (40) hour minimum mediation training course certified as appropriate by the Indiana Commission for Continuing Legal Education.

Number of hours: \_\_\_\_\_

Dates of training: \_\_\_\_\_

Trainers: \_\_\_\_\_

Title of seminar: \_\_\_\_\_

Location of seminar: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Such training was: pre-certified by the commission; or certified after the fact by the commission.

(Attach copy of certificate)

#### 6. PROFESSIONAL BACKGROUND:

CIVIL: I am an attorney in good standing in Indiana. I was admitted to the Indiana bar on \_\_\_\_\_, and my attorney number is \_\_\_\_\_.

DOMESTIC RELATIONS: I am an attorney in good standing in Indiana. I was admitted to the Indiana bar on \_\_\_\_\_, and my attorney number is \_\_\_\_\_.

AND/OR

I have a bachelor's degree from the following accredited institution of higher learning:

degree

earned: \_\_\_\_\_

Date conferred: \_\_\_\_\_

Major: \_\_\_\_\_

Other graduate degrees: \_\_\_\_\_

7. CONFLICT-CHECKING SYSTEM: I utilize an effective system to identify potential conflicts of interest, as required by ADR Rule 2.8.

8. DOMESTIC MEDIATOR KNOWLEDGE REQUIREMENTS. I have knowledge (or my mediation team has combined knowledge) of all of the following to the extent practicable, as required by ADR Rule 2.5(C)(2). I personally have knowledge of the following:

\_\_\_\_\_ Indiana judicial system \_\_\_\_\_ procedures used in domestic relations cases  
\_\_\_\_\_ community resources for client referral \_\_\_\_\_ stages of child development  
\_\_\_\_\_ clinical issues relating to children \_\_\_\_\_ the effects of divorce on children  
\_\_\_\_\_ family systems theory

9. FEES. My fee or fee range for civil matters is \_\_\_\_\_  
\_\_\_\_\_.

My fee or fee range for domestic matters is \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ signature

\_\_\_\_\_ date.

(VERIFICATION)

## **LAKE COUNTY CRIMINAL RULES**

### **LR 45-CR2.2-1. Local Rule for the Assignment of Criminal Cases in Lake County**

All misdemeanors and felonies not filed by the prosecuting attorney in the city or town courts of the circuit shall be filed, assigned, and reassigned only in accordance with this rule.

#### **A. Filing.**

1. Except as otherwise provided, unless the prosecuting attorney elects to file a misdemeanor charge in a city or town court, all misdemeanors shall be filed in the county division of the superior court.
2. All murder, Class A, B and C felonies shall be filed in the criminal division.
3. Except as otherwise provided, the prosecuting attorney may file a Class D felony in either the county or criminal division.
4. If a defendant who is being charged with a Class D felony is on probation to the county division, has other charges pending in the county division, or has previously been sentenced in the county division for an offense, then the Class D felony shall be filed in the county division.
5. If a defendant who is being charged with a Class D felony is on probation to the criminal division, has other charges pending in the criminal division, or has previously been sentenced in the criminal division for an offense, then the Class D felony shall be filed in the criminal division.
6. Notwithstanding the filing requirements above, all charges involving multiple offenses or defendants shall be filed in the same division as one another if the charges arise from:
  - a. a single act;
  - b. a series of acts connected together or constituting parts of a single scheme or plan;
  - c. a conspiracy; or,
  - d. a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.
7. Except as otherwise provided, and whenever possible, charges which have previously been filed and dismissed may only be refiled in the same division. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

#### **B. Assignment.**

1. Charges shall be assigned within a division according to the following rules, which are listed in order of precedence:

a. Charges involving multiple offenses or defendants shall be assigned to the same judge if the charges arise from:

(1) a single act;

(2) a series of acts connected together or constituting parts of a single scheme or plan;

(3) a conspiracy; or,

(4) a number of offenses so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one offense from proof of the others.

b. Charges filed against defendant who has other charges pending shall be assigned to the judge handling the pending charges.

c. Charges filed against a defendant who has previously been sentenced by a judge shall be assigned to that same judge. If the defendant has previously been sentenced by more than one judge of the division, then the case shall be assigned to the judge who still has jurisdiction over the defendant through probation, if applicable, or else to the judge who sentenced the defendant most recently.

d. Charges against a defendant who has previously been a defendant in the division shall be assigned to the same room of the division.

e. If more than one defendant in a new case has other charges pending before separate judges within the same division, the new case shall be assigned to the judge with the greater number of cases pending against all codefendants in the case. If the number of such pending cases is equal for two or more judges, then the case shall either be randomly assigned to one of those judges or else be assigned to the judge whose cases are closer to disposition at the time of the new filing.

f. Charges filed in the county division involving violations of IC 35-48 shall be assigned to Room 2 of that division if the defendant is a resident of the city of Gary or the offense is alleged to have occurred in Gary.

g. All other cases shall be randomly assigned so that the assignment of all criminal cases to judges within a division is kept relatively equal.

2. Charges which have been dismissed and refiled shall be assigned to the same judge who had jurisdiction of the charges when they were dismissed. This includes all charges arising out of the same offense report, arrest report, or set of operative facts.

C. Reassignment.

If a motion for change of judge is granted in a case or an order of disqualification or recusal is entered in the case, then the case shall be reassigned to another judge of the same division following the rules of precedence set forth above.



D. Transfer.

This rule shall not prohibit the court from transferring a case from one judge to another or from one division to another in accordance with statute. This rule shall also not be understood to encourage or permit the transfer of a case merely on the agreement of the prosecution and defense.

## PRIORITY OF BOND SCHEDULE

LR 45-AR00-02.

The Clerk of the Circuit Court, at the time of disposition, in all cases in which fees are owed and there is a cash bond, before bond is released to defendant, or to the attorney pursuant to bond assignment, shall deduct and collect fees from the cash bond in the subsequent manner:

- 1<sup>st</sup>** Restitution when ordered;
- 2<sup>nd</sup>** LADOS Full Program Fee/ LADOS Monitoring Referral Fee/ LADOS Transfer Fee/ LADOS Education Only Fee/ LADOS Evaluation Only Fee. The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 1 Program into the Lake Superior Court, County Division Room 1 (**LADOS Division 1) User Fee Fund 217**). The Clerk of the Circuit Court, is ordered to deposit all funds collected for said LADOS Division 2 Program into the Lake Superior Court, County Division Room 2 (**LADOS Division 2) User Fee Fund 218**);
- 3<sup>rd</sup>** Administration Probation Fee pursuant to statute;
- 4<sup>th</sup>** All Probation User Fees pursuant to statute;
- 5<sup>th</sup>** Countermeasure and/or any other fee;
- 6<sup>th</sup>** Court Costs

**LAKE COUNTY COURT ADMINISTERED ALCOHOL AND  
DRUG SERVICES PROGRAM SCHEDULE OF FEES**

LR 45-AR00-01.

- 1). Full Program Fee: Includes Intake, Objective Testing, Substance Abuse Assessment, Case Management, placement in Level 2 (10) Hour or Level 3 (20) Hour Prime for Life Education, and/or may also include referral to a certified substance abuse, or mental health agency, case management, ancillary services, and compliance monitoring until program discharge.

**Full Program Fee: \$ 400.00**

- 2). Substance Abuse Assessment Only Fee: Includes Intake, Objective Testing and Client Interview, development of Independent Service Contract and referral recommendations supported by the evidence and findings of the assessment.

**Substance Abuse Assessment Only Fee: \$ 150.00**

- 3). Substance Abuse Education Only Fee: Includes placement in the Prime for Life Level 2 (10) hour or Level (3) 20 hour education component, workbook, case management and compliance monitoring until course completion and/or discharge.

**Substance Abuse Education Only Fee: \$ 300.00**

- 4). Referral Monitor Fee: Includes Intake, referral to a certified substance abuse treatment facility, mental health agency, or inpatient substance abuse treatment facility, case management, ancillary services and compliance monitoring until discharge.

**Transfer Monitor Fee: \$ 200.00**

- 5). Transfer Fee: Includes Intake, case management, and case transfer to a State Certified Court Administered Alcohol and Drug Service Program.

**Transfer Fee: \$ 100.00**